

STATUTES  
RELATING TO THE  
QUALIFICATIONS & REGISTRATION  
OF  
VOTERS

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STATUTES RELATING TO THE QUALIFICATIONS  
AND REGISTRATION OF VOTERS

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# STATUTES

RELATING TO THE

## QUALIFICATIONS AND REGISTRATION OF VOTERS

IN

PARLIAMENTARY, MUNICIPAL, AND LOCAL  
GOVERNMENT ELECTIONS

WITH

## ADDITIONAL NOTES

TO THE AUTHOR'S

MANUAL ON THE SAME SUBJECT

BY

JAS. W. WHITE LAW,

SOLICITOR,

*Secretary of Dumfriesshire Unionist Association*

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## PREFACE

WHEN the "Manual of the Qualifications and Registration of Voters" was published in 1904, it was not thought necessary to append thereto the Statutes bearing on the subject, but it has since been suggested to me that the collection into one book of these Statutes, in their revised form, would be useful as a ready means of reference in the Registration Courts.

I have endeavoured to give effect to this suggestion as regards both the Parliamentary and the subsidiary franchises, and as some of the Statutes refer to more than one of these franchises, a chronological order has been adopted. In several Statutes only a few sections relate to the franchise, and in such cases these sections alone are printed.

This opportunity is taken of correcting certain errors, typographical and otherwise, which have crept into the Manual, and of bringing the subject down to date by means of "Additional Notes," which are prefixed to the Statutes. A List is given of the Cases referred to in these Notes.

J. W. W.

DUMFRIES, 15th August 1908.



# CONTENTS

LIST OF CASES REFERRED TO IN ADDITIONAL NOTES . . . . .	PAGE xi
ADDITIONAL NOTES TO MANUAL OF THE QUALIFICATIONS AND REGISTRATION OF VOTERS . . . . .	xiii
STATUTES—	
The Representation of the People (Scotland) Act, 1832—2 & 3 Will. IV. c. 65 . . . . .	1
The Representation of the People (Scotland) Act, 1835—5 & 6 Will. IV. c. 78 . . . . .	13
The County Elections (Scotland) Act, 1853—16 & 17 Vict. c. 28 . . . . .	15
The Lands Valuation (Scotland) Act, 1854—17 & 18 Vict. c. 91 . . . . .	18
The Burgh Voters Registration (Scotland) Act, 1856—19 & 20 Vict. c. 58 . . . . .	25
The Lands Valuation (Scotland) Act, 1857—20 & 21 Vict. c. 58 . . . . .	46
The County Voters Registration (Scotland) Act, 1861—24 & 25 Vict. c. 83 . . . . .	47
The Representation of the People (Scotland) Act, 1868—31 & 32 Vict. c. 48 . . . . .	54
The Naturalization Act, 1870—33 & 34 Vict. c. 14 . . . . .	72
The Education (Scotland) Act, 1872—35 & 36 Vict. c. 62 . . . . .	77
The House Occupiers Disqualification Removal (Scotland) Act, 1878—41 & 42 Vict. c. 5 . . . . .	81
The Education (Scotland) Act, 1878—41 & 42 Vict. c. 78 . . . . .	82
The House Occupiers in Counties Disqualification Removal (Scotland) Act, 1880—43 & 44 Vict. c. 6 . . . . .	85
The Corrupt and Illegal Practices Prevention Act, 1883—46 & 47 Vict. c. 51 . . . . .	86
The Education (Scotland) Act, 1883—46 & 47 Vict. c. 56 . . . . .	92
The Representation of the People Act, 1884—48 & 49 Vict. c. 3 . . . . .	93
The Registration Amendment (Scotland) Act, 1885—48 & 49 Vict. c. 16 . . . . .	102
The Redistribution of Seats Act, 1885—48 & 49 Vict. c. 23 . . . . .	108
The Medical Relief Disqualification Removal Act, 1885—48 & 49 Vict. c. 46 . . . . .	111
The Sporting Lands Rating (Scotland) Act, 1886—49 & 50 Vict. c. 15 . . . . .	112

# *Contents.*

	PAGE
The Police Disabilities Removal Act, 1887—50 Vict. c. 9 .	114
The Local Government (Scotland) Act, 1889—52 & 53 Vict. c. 50 . . . . .	116
The Elections (Scotland) Corrupt and Illegal Practices Act, 1890—53 & 54 Vict. c. 55 . . . . .	125
The Electoral Disabilities Removal Act, 1891—54 & 55 Vict. c. 11 . . . . .	129
The Local Government (Scotland) Act, 1894—57 & 58 Vict. c. 58 . . . . .	130
The Lands Valuation (Scotland) Amendment Act, 1895—58 & 59 Vict. c. 41 . . . . .	136
The Town Councils (Scotland) Act, 1900—63 & 64 Vict. c. 49	138
Lands Valuation (Scotland) Amendment Act, 1902—2 Edw. VII. c. 25 . . . . .	143
Town Councils (Scotland) Act, 1903—3 Edw. VII. c. 34 .	144
Sheriff Courts (Scotland) Act, 1907—7 Edw. VII. c. 51 .	145
A BILL [AS AMENDED BY THE STANDING COMMITTEE ON SCOTTISH BILLS] TO AMEND THE LAWS RELATING TO EDUCATION IN SCOTLAND, AND FOR OTHER PURPOSES CONNECTED THEREWITH. 8 EDWARD VII. .	146



# LIST OF CASES

## REFERRED TO IN ADDITIONAL NOTES.

	SECTION		SECTION
ADAM, Urquhart <i>v.</i> . . . .	27, 28	GREEN <i>v.</i> Wanklyn . . . .	46
Adamson <i>v.</i> Smith . . . .	16	Grossart, Cunninghame <i>v.</i> . .	8, 20
Aitken, Wainwright <i>v.</i> . . .	20	Guest, Powell <i>v.</i> . . . .	17
Ash <i>v.</i> Nicholl . . . . .	31		
		HAMILTON <i>v.</i> Torish . . . .	28
BAKER, Brooks <i>v.</i> . . . .	24	Hector, Clark <i>v.</i> . . . .	24
Barr <i>v.</i> Ireland . . . . .	29	Holland, O'Connell <i>v.</i> . . .	27
Baylis, Bradley <i>v.</i> . . . .	26	Home <i>v.</i> Stirling . . . . .	13
Biffen, Kirkby <i>v.</i> . . . .	26	Hoole, Johnstone <i>v.</i> . . . .	42
Binnie, Strachan <i>v.</i> . . . .	27		
Bogie <i>v.</i> M'Gowan . . . . .	11, 20	IRELAND, Barr <i>v.</i> . . . .	29
Bond <i>v.</i> Overseers of St. George, Hanover Square . . . . .	17	Irons <i>v.</i> Wauchope . . . . .	8
Bradley <i>v.</i> Baylis . . . . .	26		
Brooks <i>v.</i> Baker . . . . .	24	JACK <i>v.</i> Edie . . . . .	24
Brown <i>v.</i> Paterson . . . . .	29	Jackson, Duncan <i>v.</i> . . . .	11
Brown <i>v.</i> Kinnaird . . . . .	46	Johnston <i>v.</i> Buchanan . . . .	16
Bryan, Neilson <i>v.</i> . . . .	29	Johnstone, Davidson <i>v.</i> . . .	7, 11
Buchanan, Johnston <i>v.</i> . . .	16	Johnstone <i>v.</i> Hoole . . . . .	42
Burns, Wilkie <i>v.</i> . . . .	31		
		KENNEDY <i>v.</i> Donaldson . . . .	24
CAIRNS <i>v.</i> Steedman . . . . .	6	Kent <i>v.</i> Fittal . . . . .	26
Cairns, Wyllie <i>v.</i> . . . .	8	Kinnaird, Brown <i>v.</i> . . . .	46
Carberry, Ross <i>v.</i> . . . .	29	Kinnaird, Somerville <i>v.</i> . . .	46
Chambers, M'Laughlin <i>v.</i> . .	26	Kirk <i>v.</i> M'Gowan . . . . .	8
Clark, Farish <i>v.</i> . . . .	26	Kirkby <i>v.</i> Biffen . . . . .	26
Clark <i>v.</i> Hector . . . . .	24	Kyle, Connolly <i>v.</i> . . . .	48
Connolly <i>v.</i> Kyle . . . . .	48		
Cox <i>v.</i> Merriman . . . . .	31	LADD <i>v.</i> O'Toole . . . . .	28
Cunninghame <i>v.</i> Grossart . .	8, 20	Larcombe <i>v.</i> Siney . . . . .	27
DAVIDSON <i>v.</i> Johnstone . . .	7, 11	MACKENZIE, Dunlop <i>v.</i> . . .	17
Donaldson, Kennedy <i>v.</i> . . .	24	M'Gowan, Bogie <i>v.</i> . . . .	11, 20
Donnelly <i>v.</i> Moore . . . . .	46	M'Gowan, Kirk <i>v.</i> . . . .	8
Donnelly <i>v.</i> Stockdale . . . .	28	M'Gowan, Whitelaw <i>v.</i> . . .	16, 24
Douglas <i>v.</i> Smith . . . . .	26	M'Kee <i>v.</i> Orr . . . . .	29, 48
Duncan <i>v.</i> Jackson . . . . .	11	M'Laughlin <i>v.</i> Chambers . . .	26
Dunlop <i>v.</i> Mackenzie . . . .	17	Manson <i>v.</i> Sinclair . . . . .	17
		Merriman, Cox <i>v.</i> . . . .	31
EDIE, Jack <i>v.</i> . . . .	24	Milne <i>v.</i> Murray . . . . .	27, 28
Emmerson <i>v.</i> Oliver . . . .	18	Moore, Donnelly <i>v.</i> . . . .	46
		Morfee <i>v.</i> Novis . . . . .	26
FARISH <i>v.</i> Clark . . . . .	26	Murray, Milne <i>v.</i> . . . .	27, 28
Fittal, Kent <i>v.</i> . . . .	26		
		NAPIER <i>v.</i> Ross . . . . .	29
		Neilson <i>v.</i> Bryan . . . . .	29

*List of Cases.*

	SECTION		SECTION
Nicholl, Ash <i>v.</i> . . . .	31	Stalker <i>v.</i> Young . . . .	9
Niven <i>v.</i> Stewart . . . .	16, 20	Steedman, Cairns <i>v.</i> . . .	6
Novis, Morfee <i>v.</i> . . . .	26	Stewart, Niven <i>v.</i> . . . .	16, 20
O'CONNELL <i>v.</i> Holland . . .	27	Stewart <i>v.</i> Smith . . . .	16, 20
Oliver, Emmerson <i>v.</i> . . . .	18	Stirling, Home <i>v.</i> . . . .	13
Orr, M'Kee <i>v.</i> . . . .	29, 48	Stockdale, Donnelly <i>v.</i> . . .	28
O'Toole, Ladd <i>v.</i> . . . .	28	Strachan <i>v.</i> Binnie . . . .	27
PATERSON, Brown <i>v.</i> . . . .	29	Surrey (Clerk of County	
Powell <i>v.</i> Guest . . . .	17	Council of), Reive <i>v.</i> . . .	16
REG. <i>v.</i> St. Pancras . . . .	16	Surrey (Clerk of County	
Reive <i>v.</i> Clerk of County		Council of), Wolfe <i>v.</i> . . .	16
Council of Surrey . . . .	16	TAYLOR <i>v.</i> Overseers of St.	
Ross <i>v.</i> Carberry . . . .	29	Mary Abbott . . . .	17
Ross, Napier <i>v.</i> . . . .	29	Torish, Hamilton <i>v.</i> . . . .	28
ST. GEORGE, Hanover Square		URQUHART <i>v.</i> Adam . . . .	27, 28
(Overseers of), Bond <i>v.</i> . .	17	WAINWRIGHT <i>v.</i> Aitken . . .	20
St. Mary Abbott (Overseers		Wanklyn, Green <i>v.</i> . . . .	46
of), Taylor <i>v.</i> . . . .	17	Watson <i>v.</i> Watson . . . .	48
St. Pancras, Reg. <i>v.</i> . . . .	16	Wauchope, Irons <i>v.</i> . . . .	8
Simey, Larcombe <i>v.</i> . . . .	27	Whitelaw <i>v.</i> M'Gowan . . .	16, 24
Sinclair, Manson <i>v.</i> . . . .	17	Wilkie <i>v.</i> Burns . . . .	31
Smith, Adamson <i>v.</i> . . . .	16	Wolfe <i>v.</i> Clerk of County	
Smith, Douglas <i>v.</i> . . . .	26	Council of Surrey . . . .	16
Smith, Stewart <i>v.</i> . . . .	16, 20	Wyllie <i>v.</i> Cairns . . . .	8
Somerville <i>v.</i> Kinnaird . . .	46	YOUNG, Stalker <i>v.</i> . . . .	

# ADDITIONAL NOTES

## TO

### MANUAL OF THE QUALIFICATIONS

#### AND

### REGISTRATION OF VOTERS.

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- s c.      Foot-note.
- 6      (e) Twelve months' personal possession is required from owners in the case of their qualification being subjects held successively.—See MANUAL, section 12, footnote (f).
- (j) See also Reform Act, 1868, section 56, and *Cairns v. Steedman*, 1884, 12 R. 44; 22 S.L.R. 35, the ratio of which decision supports the view stated in this footnote.
- 7      (c) A further reference to the case of *Davidson v. Johnstone* is 6 F. 239.
- 8      (e) It is necessary to modify the position taken up in regard to  
       (f) long leaseholders in sections 8, 18, 20, and 24 of the MANUAL,  
       (g) and relative footnotes. By section 59 of the Reform Act of  
     and (h) 1868 a "proprietor" is defined as including "any person who shall hold under a lease for a period of not less than fifty-seven years, exclusive of breaks," and it is thought that, if full effect be given to this, long leaseholders in *counties* are removed from the category of tenants (whether under the Reform Act of 1832, or under the Reform Acts of 1868 and 1884), and are now solely qualified as owners. Assignees of, and sub-tenants under, leases for fifty-seven years and upwards, are in the same position,—*Wylie v. Cairns*, cited in footnote (e). With regard to the case of *Kirk v. McGowan*, also cited in that footnote, as supporting the view that a long leaseholder has the option of being enrolled either as owner or tenant, this option must be limited to the case where the long leaseholder is in personal occupation of the subjects, and is therefore both owner and occupying tenant, in which case he (like an ordinary owner in personal occupation) is entitled to choose either franchise. These views are in accordance with the opinions of the judges in *Cunninghame v. Grossart*, 1886, 14 R. 121; 24 S.L.R. 84. The interpretation of the word "proprietor" above quoted is for the purposes of "this Act" only, and as the only ownership franchise mentioned in the Reform Act of 1868 is the county ownership franchise, the view that

Sec.      Foot-  
note.

long leaseholders are not qualified as owners in *burghs* is maintained. In *Irons v. Wauchope*, cited in footnote (g), it was held that the over-landlord in long leasehold subjects in *burghs* was entitled to be registered as "true owner," and this seems to preclude the long leaseholder being registered as owner, as the policy of section 4 (1) of the Reform Act of 1884 is to prevent two persons with superior and inferior rights in the same subjects both being registered as owners thereof. If this conclusion is *not* correct and long leaseholders are also "owners" in *burghs*, then the corollary is that over-landlords are likewise qualified as owners in *counties*, and the contrary opinion expressed in footnote (h) would require to be corrected. The point is by no means free from doubt, but is of not much practical importance in *burghs* as owners therein (other than "true owners," and long leaseholders, cannot in any case fall within this category) require the same length and quality of occupation as tenants. Under the Lands Valuation (Scotland) Amendment Act, 1895, where a tenant holding under a lease of twenty-one years or under, or (in the case of minerals) of thirty years or under, has made or acquired erections or structural improvements on the subjects let, he is entered in the Valuation Roll as proprietor of such erections or structural improvements unless they are connected with agriculture or (in certain specific instances) with minerals, but such enrolment does not qualify him for the ownership franchise, as he is regarded as "proprietor" of said subjects merely "for the purposes of this Act."

9 (d) The latter part of section 14 of the Reform Act of 1868 is repealed by 56 Vict. c. 14 (S.L.R.); see section 20, footnote (f), *infra*; and the right of a legal liferenter in counties seems now to rest on section 8 of the Reform Act of 1832, which may be regarded as extended to the subsequent franchise on the analogy of a similar extension of the "succession clause," given effect to in *Stalker v. Young*, 1885, 13 R. 77; 23 S.L.R. 52.

11 (e) The view taken in footnote (f) is confirmed by the decision  
and (f) in *Bogie v. M'Gowan*, 1907, S.C. 391; 44 S.L.R. 289. Prior to 1884 the occupation franchise in *burghs* for owners (other than "true owners"), and for tenants, stood upon the first part of section 11 of the Reform Act of 1832, while the franchise in favour of "true owners" stood upon the second part of that section, and in both cases the qualifying subjects required to consist in whole or in part of a building. The Reform Act of 1884 established a new occupation franchise, and provided that as regards *burghs* the conditions affecting the previously existing "borough occupation franchise" should apply to the new franchise, and it repealed the first part of section 11 of the Act of 1832, except in so far as thus incorporated.—See sections 5, 7 (7), 11, and 12 of the Act of 1884. In section 5 of the Act of 1884 the qualifying subjects for the new franchise are stated to be any "land or tenement" (which as applied to Scotland by section 11 of the Act means "lands and heritages"), and in *Bogie v. M'Gowan* the Court held that this was the leading provision; that the character of the

## Additional Notes.

Sec.      Foot-  
note.

qualifying subjects was an "essential;" and that therefore the specification of such subjects in section 11 of the Act of 1832 was not a "condition" made applicable to the new franchise. This case was decided upon a claim by a tenant, but it is equally applicable to owners (other than "true owners") in burghs for whom land *per se* now affords a sufficient qualification. It is thought that this does not apply to "true owners" in burghs, and the view expressed regarding them in footnote (e) is maintained. The case of *Davidson v. Johnstone*, 1903, 6 F. 239; 41 S.L.R. 171, decided that the franchise in favour of "true owners" rested solely on the unrepealed portion of section 11 of the Act of 1832, in which the qualifying subjects for such owners are stated to be "such premises as are hereinbefore mentioned," and the correct interpretation of these words seems to be to regard them as equivalent to the limited subjects specified in the repealed portion of section 11, and not as equivalent to the subjects (lands and heritages) specified in section 5 of the Act of 1884, so that the qualifying subjects for true owners must still consist in whole or in part of a building. As to what constitutes a "building," see further *Duncan v. Jackson*, 1905, 8 F. 323; 43 S.L.R. 341.

- 13      (e) The case of *Horne v. Stirling*, cited in this footnote, should be *Home v. Stirling*, 1872, 10 S.L.R. 14.
- 16      The view stated in the text is confirmed by *Whitelaw v. McGowan*, 1905, 8 F. 332; 43 S.L.R. 346. As to the quality of actual occupation, see *Wolfe v. Clerk of County Council of Surrey*; *Reire v. Ibid.*, 1905, 1 K.B. 439; *Reg. v. St. Pancras*, 1877, 2 Q.B. 581 (*per Lush., J.*, p. 588); and *Niven v. Stewart*, 1907, 45 S.L.R. 223; as to the occupation required from partners, see *Stewart v. Smith*, 1868, 7 M. 318.
- (b) The correct reference to the case of *Johnston v. Buchanan* is "7 R. 7"; *Anderson v. Smith* should be *Adamson v. Smith*, and the correct reference is "17 S.L.R. 158."
- 17      In the case of a district of burghs the residence must be in, or within seven miles of, the actual burgh in which the qualifying subjects are situated,—*Dunlop v. Mackenzie*, 1904, 7 F. 155; 42 S.L.R. 126.
- (c) See also *Powell v. Guest*, 34 L.J. (C.P.) 69; *Taylor v. Overseers of St. Mary Abbott*, 1870, L.R. 6 (C.P.) 309; *Bond v. Overseers of St. George, Hanover Square*, 1870, L.R. 6 (C.P.) 312; *Manson v. Sinclair*, 1868, 7 M. 329.
- 18      (e) See section 20, footnote (f), *infra*.
- (g) Tenants under leases for fifty-seven years and upwards are  
and (h) now qualified solely as owners in counties; see section 8,  
      *supra*. The words "assignees of sub-tenants" in foot-  
      note (h) should be "assignees or sub-tenants."
- (i) The view stated is confirmed by *Emmerson v. Oliver*, 1905, 8 F. 322; 43 S.L.R. 291.
- 19      (b) In the case of a house let furnished there is not an implied power to assign or sub-let.



Sec. Foot-  
note.  
20 (c)

- Tenants under leases for fifty-seven years and upwards (whether under the Reform Act of 1832 or the Reform Acts of 1868 and 1884) are now qualified solely as owners in counties,—See section 8, *supra*; and in the case of joint tenancies such tenants are subject to the restriction in number which applies to owners.—See MANUAL, section 10, and *Cunninghame v. Grossart*, 1886, 14 R. 121; 24 S.L.R. 84.
- (d) See *Stewart v. Smith*, 1868, 7 M. 318, as to the occupation required from partners.

- (f) The case of *Wainwright v. Aitken*, cited in this footnote, is founded on section 14 of the Reform Act of 1868 which relates (in part) to joint tenants, and provides that two (and no more) of such tenants shall be qualified in *counties* in respect of the same subjects, unless they have acquired their interest therein by succession or are joint occupants as partners for business purposes, and it also provides that the interest of each joint tenant, in order to a qualification, must be £14. This latter provision is a mere repetition of the qualifying value of £14 specified in section 6 of the Act which is the leading enactment, and relates to sole tenants. The Reform Act, 1884, reduces the qualifying value for sole tenants to £10, and it repeals section 6 of the Act of 1868, except in so far as it “contains conditions made applicable by this Act to any franchise enacted by this Act” (which practically re-enacts the repealed section), and the Act of 1884 is to be construed as one with the Reform Acts of 1832 and 1868 (see sections 5, 7 (6), 11, and 12 of the Reform Act of 1884). In *Wainwright v. Aitken* the Court took the somewhat strict view that the reduction of qualifying value to £10 in the Act of 1884 applied only to sole tenants, and that the qualification of joint tenants still stood upon section 14 of the Act of 1868, and required to be of the value of £14. It does not seem to have been adverted to in that case that that part of section 14 of the Act of 1868 relating to joint tenants was repealed by the Statute Law Revision Act of 1893 (56 Vict. c. 14), and it is a little difficult to say what is the exact effect of this repeal. It is thought, however, that the repeal cannot affect the provision in the Act of 1884, that the conditions of the previously existing franchise shall apply to the new franchise under that Act, and that the limitation to two (unless under special circumstances) as the number of joint tenants entitled to be qualified in respect of the same subjects still exists. Two alternative views may be taken to the above, viz., either that no joint tenant in a *county* is now qualified, or that there is now no restriction in the number of joint tenants entitled to be qualified; and between these preference must be given to the latter as placing *counties* on the same footing as *burghs* in which there is no restriction in the number of joint tenants entitled to be qualified. It is thought, however, that to adopt either of these alternatives would be giving too great weight to the above-mentioned repeal under Statute Law Revision, and that when the question is raised the Court are most likely to take the view first above ex-

## Additional Notes.

Sec.      Foot-  
note.

pressed. On the other hand, with regard to value, it is thought that the repeal would be given effect to, as it removes the anomaly of joint tenants each requiring a £14 qualification, while sole tenants only require a £10 one, and that the case of *Wainwright v. Aitken*, if reconsidered in the light of such repeal, would be overruled. This view is taken on the analogy of the decision in *Bogie v. M'Gowan*, 1907, S.C. 391; 44 S.L.R. 284 (as to which see section 11, *supra*), in which it was held that the character of the qualifying subjects was an "essential," and was not a "condition" of the previously existing franchise made applicable to the new franchise under the Act of 1884. It is thought that the "value" of the qualifying subjects is on the same footing as the "character" thereof, and is not a "condition" which is made applicable to the new franchise, and, if this be so, the value of the qualifying subjects for tenants in counties, whether sole or joint, must (in view of the above repeal) now stand solely on section 5 of the Act of 1884 which specifies £10. The view that the value of £10 each affords a qualification for joint tenants in *burghs*, and that there is no restriction in number, is confirmed by the opinion of the judges in *Niven v. Stewart*, 1907, 45 S.L.R. 223.

- 24      (b) The case of *Kennedy v. Donaldson*, cited in this footnote, so far as relating to leases of fifty-seven years and upwards, applies to the position of such leases under the Reform Act of 1832, under which (prior to 1868) long leaseholders were qualified only as tenants,—*Clark v. Hector*, 1866, 5 M. 66; 3 S.L.R. 63. Long leaseholders in *counties*, whether principal tenants, or assignees or sub-tenants, are now qualified as owners, and personal occupation is not required from them in this capacity.—Section 8, *supra*.

(c) Confirmed by *Whitelaw v. M'Gowan*, 1905, 8 F. 332; 43  
and (e) S.L.R. 346.

(d) Occupation by a service franchise holder excludes occupation by the principal tenant,—*Jack v. Edie*, 1905, 8 F. 329; 43 S.L.R. 344; but a contrary opinion was expressed by the judges in the English case of *Brooks v. Baker*, 1906, 1 K.B. 11.

(g) See section 17, *supra*, and MANUAL, section 17, as to "districts of burghs" and "divided burghs."

- 26      Any house or part of a house forming a "dwelling-house" for the purposes of the household and service franchises enters the valuation roll, and the value thereof is placed against the same,—Reform Act, 1884, section 9 (2) and (3); Registration Amendment (Scotland) Act, 1885, section 6; and Local Government (Scotland) Act, 1889, section 29.

(a) See also *Bradley v. Baylis*; *Morfee v. Novis*; *Kirkby v. Biffen*, 1881, 8 Q.B.D. 195; *M'Laughlin v. Chambers*, 1896, 2 I.R. 497. In determining whether part of a house is occupied as a separate dwelling, one of the main points is the character of the entrance thereto. If there is a separate entrance, or the tenant has full control of the outside door,

Sec. Foot-note.

which is common to all parts of the house, this is largely in favour of the subjects being regarded as a "separate dwelling." The question has recently been much discussed in England, where hitherto there was a tendency to register as lodgers in unfurnished lodgings many voters who in Scotland would have been registered as householders. Claims are now being made in England for such voters as householders, and the cases in which these claims have been dealt with are *Kent v. Fittal*, 1906, 1 K.B. 60; *Douglas v. Smith*, 1907, 1 K.B. 126. The tenant of a part of a house which is not a separate dwelling may be, and often is, qualified as a lodger, and in some cases alternative claims both as "householder" and "lodger" are put in. The case of *Kent v. Fittal* came up again in the Registration Court of 1907, when the revising barrister repelled the objection stated, and enrolled a large number of voters as householders. This decision was upheld by the Divisional Court; but the Court of Appeal on 22nd July 1908, sustained an appeal taken to them by the objector, and remitted the case back to the revising barrister on the ground that his judgment was based upon facts which were not established by legal evidence but rested merely on repute. An opinion was expressed that in the first instance, an objector must establish a *prima facie* case, and that thereafter the ordinary rules of evidence apply; but this is based on the somewhat special terms of section 28 (10) of the Parliamentary and Municipal Registration Act, 1878 (41 & 42 Vict. c. 26), which does not apply to Scotland. No opinion seems to have been expressed on the main point at issue. It may be noted that the definition of a "dwelling-house" contained in section 5 of the Parliamentary and Municipal Registration Act, 1878, is practically similar to that contained in section 7 (4) of the Reform Act, 1884, which latter definition applies only to Scotland.

(b) *Farish v. Clark* was decided in "1885," not in "1855."

27

In *Urquhart v. Adam*, 1904, 7 F. 157; 42 S.L.R. 178, an opinion was expressed that defeasibility of tenure, if not actually defeated during the statutory period, does not disqualify for the household and service franchises, but this opinion does not seem to be in accordance with the decisions in *Strachan v. Binnie*, 1888, 15 R. 308; 25 S.L.R. 236; and *Milne v. Murray*, 1907, S.C. 396; 44 S.L.R. 301.

(d) It is doubtful if constructive residence in the case of a householder does more than bridge over temporary absences, as absence on duty for over four months was held to disqualify, although the householder's wife and family remained in residence,—*Larcombe v. Simey*, 1907, 1 K.B. 139. The correct reference to *O'Connell v. Holland*, cited in this footnote, is "1900, 2 Ir. R. 448."

28

(b) The fact that a servant pays rent does not seem to destroy the character of service occupation,—*Urquhart v. Adam*, 1904, 7 F. 157; 42 S.L.R. 178.

(c) See section 27, *supra*, as to defeasibility of tenure and constructive residence.

## Additional Notes.

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| Sec. | Foot-note. |  |
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- (d) The clerk of a land agent, who by arrangement with the agent occupied a house belonging to the land agent's employer as a part remuneration, was held to be the servant of the proprietor, and to be qualified as such,—*Donnelly v. Stockdale*, Lawson's Reports, 1904, p. 107. A sub-tenant of a service franchise-holder is not qualified,—*Milne v. Murray*, 1907, S.C. 396; 44 S.L.R. 301. See also *Ladd v. O'Toole*, 1904, 2 Ir. R. 389; 37 Irish Law Times, 229.
- (e) The occupation by a gardener of a bedroom assigned to him by his employer's steward in a house occupied by other employees, but which room was liable to be changed by the steward, was held not to afford a qualification although no change had actually been made during the statutory period,—*Hamilton v. Torish*, Lawson's Reports, 1903, p. 84.
- 29 (a) In the Parliamentary and Municipal Registration Act, 1878 (41 & 42 Vict. c. 26), section 5, "lodgings" are declared to include "any apartments or place of residence, whether furnished or unfurnished, in a dwelling-house;" but this Act applies only to England. See section 26, *supra*, as to the distinction between a "dwelling-house" and "lodgings." It does not seem essential that there should be an actual payment of rent for lodgings,—*Neilson v. Bryan*, 1902, 35 Irish Law Times, 213.
- (c) Facts disclosed by the assessor from the valuation roll may (notwithstanding the absence of the claimant) rebut the presumption contained in the claim,—*M'Kee v. Orr*, 1905, 8 F. 320; 43 S.L.R. 292; see also *Barr v. Ireland*, 1904, 7 F. 153; 42 S.L.R. 128.
- (g) The Reform Act of 1868, section 13, does not mention lodgers, but has been broadly interpreted; see also *Ross v. Carbery*, 1897, 25 R. 98; 35 S.L.R. 109.
- (h) The cases of *Brown v. Paterson* and *Napier v. Ross* are authorities for the statement contained in the text, and not for the concluding sentence of the footnote.
- 30 (b) The Naturalisation Act, 1870, makes provision for the naturalisation of aliens; for a British subject renouncing his allegiance, and thereafter (if desired) resuming his British nationality; and it also provides that while an alien is capable of holding property in the same manner as a British subject, this does not confer any right to a municipal, parliamentary, or other franchise.
- (g) The Reform Act, 1832, section 36, is repealed so far as relating to sheriffs and sheriffs-substitutes by the Sheriff Court (Scotland) Act, 1907, section 52, but the disqualifications of these officials are re-enacted by section 21 of the latter Act.
- 31 (e) Where subjects are let for a shorter period than one year, or at a rent not amounting to £4 per annum, the County Council, Parish Council, or other rating authority may levy the assessment payable in respect thereof upon the proprietor in the same manner as if he was both owner and occupier, and in such case the non-payment of poor rates by the actual occupier is not a disqualification; neither does

## Additional Notes.

Sec.      Foot-  
note.

non-payment of poor rates disqualify in the case of an inhabitant occupier of subjects in respect of which no person is rated, by reason of such dwelling-house belonging to or being occupied on behalf of the Crown, or by reason of any other ground of exemption.—Reform Act, 1884, section 9 (6 and 9). Provision is made by section 18 and schedule (C) of the Reform Act of 1868 for a formal demand for poor rates being made before disqualification occurs for non-payment thereof. In England the refusal to pay any part of the rates payable to the Collector of Poor Rates has been held to disqualify, —*Ash v. Nicholl* ; *Cox v. Merriman*, 1904, 1 K.B. 139. A further reference to the case of *Wilkie v. Burns*, cited in this footnote, is 6 F. 233.

32      The word “except” occurring in the text on the sixth line from the top of page 46 should be deleted ; and the word “entends,” occurring on the ninth line of footnote (b), should be “extends.”

(b)      With reference to the provisions alluded to in this section and  
and (d)      in sections 33, 34, 37, 38, 51, and 52, and relative footnotes bearing upon the preparation of the various registers in cases where the parliamentary, municipal and police boundaries of a burgh are not identical, it may be useful to epitomise these :—

- I. Where the parliamentary boundary is beyond the municipal boundary, a distinctive mark is put in the Burgh Parliamentary Register against the names of voters registered therein in respect of subjects between those two boundaries as indicating that they are not qualified as municipal voters.—Town Councils (Scotland) Act, 1900, section 25 ; MANUAL, sections 32 (footnote (b)) and 38.
- II. Where the municipal boundary is beyond the parliamentary boundary, the municipal voters qualified in respect of subjects between these two boundaries are included in the Municipal Supplementary List.—Town Councils Act, 1900, sections 24 and 27 ; MANUAL, sections 32 and 51.
- III. Where the parliamentary boundary is beyond the police boundary there is a distinctive mark put in the Burgh Parliamentary Register against the names of voters registered therein in respect of subjects between these two boundaries as indicating that they are not qualified upon such enrolment as parish council voters ; this is the joint effect of section 25 of the Town Councils Act, 1900, and of sub-section 3 of section 12 of the Local Government (Scotland) Act, 1894, and if and in so far as the parliamentary boundary is beyond the municipal boundary, the distinctive mark referred to in Head I. hereof also disqualifies for Parish Council purposes. The voters in right of subjects between the parliamentary and police boundaries (where the former is the wider) are qualified for County



*Additional Notes.*

Sec.      Foot-note.

Council and Parish Council purposes, only if they are included in the County Council Supplementary List.—Local Government (Scotland) Act, 1889, section 28 (2); MANUAL, sections 33, 38, 52, and 53.

IV. Where the police boundary is beyond the parliamentary boundary, a distinctive mark is put in the County Parliamentary Register against the names of voters registered therein in respect of subjects between these two boundaries as indicating that they are not qualified upon such enrolment as County Council and Parish Council voters.—Local Government (Scotland) Act, 1889, section 28 (1 c); these voters are qualified as Parish Council voters only if they are included in the Municipal Supplementary List.—Town Councils Act, 1900, sections 24 and 27; MANUAL, sections 33 (footnote (b)), 37, 51, and 53.

V. Where the municipal boundary is beyond the police boundary, a distinctive mark is put in the Municipal Supplementary List against the names of voters registered therein in respect of subjects between these two boundaries as indicating that they are not qualified upon such enrolment as Parish Council voters.—Local Government (Scotland) Act, 1894, section 12 (3); this section applies to the whole Municipal Register and the situation so far as affecting the Burgh Parliamentary Register (as forming part of the Municipal Register) is dealt with under Head III. The voters, in right of subjects between these two boundaries, are qualified for Parish Council purposes only if they are registered in the County Council portion of the Parish Council Register.—MANUAL, sections 34 (footnote (b)), 51, 52, and 53.

33            See section 32, *supra*.

34            See section 32, *supra*.

(a)    The definitions given in this footnote are contained in the Local Government (Scotland) Act, 1894, section 54.

35            In the event (which seems likely) of the Education (Scotland) Bill of 1908 becoming law, a material change will be made upon the School Board Franchise. The section of the Bill relating to the franchise will be found at the end of the "Statutes," and from this it will be seen that the electorate is to consist of "all parish electors within the meaning of the Local Government (Scotland) Act, 1894, having a qualification within the School Board district." The general limit in value of £4 is thus removed, and accordingly householders will be qualified irrespective of value; on the other hand, owners and tenants will be qualified only in respect of subjects of the statutory value for Parliamentary purposes (see MANUAL, sections 6, 7, 18); and lodgers will also be entitled to the School Board Franchise if possessing

## Additional Notes.

- | Sec. | Foot-note.                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|      | a statutory qualification (see MANUAL, section 29). The first election under the new Act is to take place in 1909, and the next in 1911, and each elector may give one vote and no more for each of any number of candidates not exceeding the number of the members of the School Board to be elected.                                                                                                                                 |
| 36   | The statement contained in the text is erroneous as regards the School Board Franchise; sheriff principals and assessors are not at present disqualified for this franchise, nor do the parliamentary special disqualifications (see MANUAL, section 31) apply thereto. If the Education (Scotland) Bill, 1908, passes, School Board voters will be subject to the same disqualifications as now apply to the Parish Council Franchise. |
| 37   | The provisions in regard to the fixing of polling districts in counties are contained in the Reform Act of 1832, section 27; the County Elections (Scotland) Act, 1853, sections 2 and 3; and the Registration Amendment (Scotland) Act, 1885, section 9. See section 32, <i>supra</i> .                                                                                                                                                |
|      | (g) The reference to the Local Government Act of 1894 should be to sections 12 (1) and 54.                                                                                                                                                                                                                                                                                                                                              |
| 38   | The provisions in regard to the fixing of polling places in burghs are contained in the Reform Act of 1832, section 27; the Amendment Act of 1835 (5 & 6 Will. IV. c. 78), section 3; and the Town Councils (Scotland) Act, 1900, sections 20 and 22. See section 32, <i>supra</i> .                                                                                                                                                    |
|      | (e) In the event of a voter by mistake being enrolled in more than one division of a burgh he is only entitled to exercise one vote.—Registration Amendment (Scotland) Act, 1885, section 17 (4)                                                                                                                                                                                                                                        |
|      | (g) The reference to the Local Government Act, 1894, should be to sections 12 (2 b), and 54.                                                                                                                                                                                                                                                                                                                                            |
| 39   | (f) The concluding statement in this section is erroneous; in Scotland there is no separate publication of the Corrupt and Illegal Practices List, it being sufficient to omit the names of persons included in this list from the list of persons entitled to vote annually published by the Assessor as mentioned in this section,—The Corrupt and Illegal Practices Prevention Act, 1883, section 68.                                |
| 42   | (d) A further reference to the case <i>Johnstone v. Hoole</i> , cited in this section, is 6 F. 231.                                                                                                                                                                                                                                                                                                                                     |
| 45   | The sheriff-substitute may act in the Registration Court if the principal is incapacitated by "sickness or unavoidable absence," and in certain counties assistant sheriffs may be appointed if there is an unduly large amount of work; an appeal from the substitute to the principal is not competent,—Reform Act, 1832, sections 42 and 46, and Amendment Act, 1835 (5 & 6 Will. IV. c. 78), section 11.                            |
| 46   | (c) The omission to state the whole subjects successively occupied cannot be corrected,— <i>Somerville v. Kinnaird</i> , 1905, 8 F. 335; 43 S.L.R. 337; neither can there be supplied the                                                                                                                                                                                                                                               |

## *Additional Notes.*

Sec.      Foot-  
note.

omission to specify the name and designation of the person to whom rent is paid by a lodger,—*Brown v. Kinnaird*, 1905, 8 F. 340; 43 S.L.R. 340. The omission to state the middle name of the claimant may be supplied,—*Green v. Wanklyn*, 1906, 1 K.B. 394. An error in the name of the townland in which the qualifying house is situated may be corrected,—*Donnelly v. Moore*, Lawson's Reports, 1904, p. 125.

48      (a) The rule mentioned in this footnote applies to lodgers, and the statement that it does not do so is erroneous. What the case of *Watson v. Watson* decides is that the objector to a lodger claim need only give notice in Court, and need not give previous notice as in the case of an objection to a voter on the published list of voters; a further reference to this case of *Watson* is 40 S.L.R. 270.

(c) In the case of an objection the sheriff is not bound to grant an adjournment (where the person objected to fails to appear in answer to citation) unless upon sufficient cause,—*McKee v. Orr*, 1905, 8 F. 320; 43 S.L.R. 292. A further reference to the case of *Connolly v. Kyle*, cited in this footnote, is 6 F. 236.

(d) See section 26, *supra*, as to evidence.

49      In the case of a voter qualified in respect of subjects situated in an island distant more than ten miles from the mainland, such voter, not being resident in the island, may poll at the polling place for the district in which the county town is included,—The County Elections (Scotland) Act, 1853, section 7.

51      See section 32, *supra*. The word “emoluments” occurring on the second last line of page 66 should be “enrolments.”

52      See section 32, *supra*.

53      (a) Sections 33 and 34 of the MANUAL should also be referred to  
and (b) in these footnotes.

54      If the Education (Scotland) Bill, 1908, becomes law, the election of 1909 is to take place on a register of parish electors to be made up in manner prescribed by the Secretary for Scotland, and thereafter the School Board is to have access to the Parish Council Register in the same manner as it has at present to the Valuation Roll. The effect of this latter provision is that after 1909 the Parish Council Register will be the register for School Board purposes in landward parishes, and this will likewise be the case in those burghal-landward parishes in which (1) the municipal and police boundaries of the burgh therein are identical, and (2) the existing municipal boundary, or (where there is no municipal) the existing police boundary, forms the division between the landward and burghal parts of the parish for School Board purposes. In this connection it is to be noted that said boundary as existing in 1878 forms such division, but that any alteration of boundary after



## *Additional Notes.*

Sec.      Foot-  
         note.

1878 does not affect the School Board area. Where the above conditions *both* exist in a burghal-landward parish, the County Council portion of the Parish Council Register will form the School Board Register for the landward part of the parish, and the municipal portion thereof will form the School Board Register for the burghal part of the parish (see MANUAL, section 53). Where either of these conditions are wanting it is thought that special registers or alphabetical lists of voters for the landward part of the parish and for the burgh wholly or partly in said parish will require to be made up, as in such cases there will be no means of definitely ascertaining from the Parish Council Register whether many of the voters are qualified in the burghal or in the landward parts of the parish (see section 32, *supra*).

# STATUTES

RELATING TO THE

## QUALIFICATIONS AND REGISTRATION OF VOTERS.

[*In the case of Statutes not exclusively concerned with the franchise, only the Sections relating to the subject are printed.*]

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2 & 3 WILLIAM IV.

CHAPTER LXV.

THE REPRESENTATION OF THE PEOPLE (SCOTLAND) ACT, 1832  
(*Short Titles Act*, 1896).

AN ACT to amend the Representation of the People in  
Scotland.<sup>1</sup> [17th July 1832.]

<sup>1</sup> *This Act is rep. 5 & 6 Will. 4, c. 78, s. 13, in all cases in which its provisions are inconsistent with that Act, and in so far as is necessary to give effect to the true intent and meaning of that Act.*

Whereas the laws which regulate the election of members to serve in the Commons House of Parliament for Scotland are defective, whereby great inconveniences and abuses have been occasioned: And whereas it is expedient, and would be for the evident utility of the subjects within Scotland, that those defects should be remedied, and especially that members should be provided for places hitherto unrepresented, and the right of election extended to persons of property and intelligence, and that the mode of conducting elections should be better regulated and ordered.

1. Rep. 51 & 52 Vict. c. 57 (S.L.R.).

**2. BURGHS OF PEEBLES AND SELKIRK TO BE PARTS OF COUNTIES OF PEEBLES AND SELKIRK; AND BURGH OF ROTHSAY TO BE PART OF BUTE.**

*S. 2 in part, and so far as relates to the Burgh of Selkirk, rep. 51 & 52 Vict. c. 57 (S.L.R.); it is unnecessary to print the unrepealed portion.*

**3. ENUMERATION IN SCHEDULES (A.) AND (B.) OF COUNTIES TO RETURN MEMBERS SEVERALLY OR JOINTLY—PROPERTIES TO BE PART OF COUNTY IN WHICH THEY ARE SITUATE.— . . .** Provided always, that all properties lying locally within the limits of any county or shire, though hitherto constituting part of some other county, shall, for the purposes of this Act, be held to be part of the county within which they are locally included.

*S. 3 in part rep. 51 & 52 Vict. c. 57 (S.L.R.); with exception of the above proviso, it is unnecessary to print the unrepealed portion.*

MANUAL, s. 12.

**4. ENUMERATION IN SCHEDULES (C.), (D.), AND (E.) OF BURGHS AND DISTRICTS OF BURGHS TO RETURN MEMBERS SEVERALLY OR JOINTLY.**

*S. 4 in part, and so far as it relates to schedule (C.), rep. 51 & 52 Vict. c. 57 (S.L.R.); it is unnecessary to print the unrepealed portion.*

**5. BOUNDARIES OF CITIES, BURGHS, AND TOWNS TO BE AS SET FORTH IN SCHEDULE (M.)—RULES FOR THE CONSTRUCTION OF THE DESCRIPTIONS CONTAINED IN SCHEDULE (M.).—**The limits and boundaries of all the cities, burghs, and towns enumerated in any of the above-mentioned schedules shall, for the purposes of this Act, be taken and held to be according to the description and specification of such limits and boundaries set forth and contained in schedule (M.) to this Act annexed; and all the properties within the boundaries therein specified shall hereafter, for the purposes of this Act, be parts of the said cities, burghs, and towns, and not of the adjoining or of any other county: Provided always, that the following rules shall be observed in the construction of the several descriptions of boundaries contained in the said schedule (M.) hereunto annexed (that is to say),

4. That every building through which or through any part whereof any boundary hereby established shall pass shall be considered as within such boundary: Provided always, that if the boundaries of any two or more of the cities, burghs, and towns, whereof the boundaries are hereby described, shall pass through the same building or any part thereof, such building shall be considered as within that one of such two or more of the said cities,

burghs, and towns which was before the passing of this Act entitled to return members or a member to serve in Parliament; or if neither or more than one of such two or more of the said cities, burghs, and towns shall have been so entitled, then within that one of them whereof the area as hereby established is the smallest:

*It is unnecessary to print the other rules.*

MANUAL, s. 12.

6. NONE HEREAFTER TO ACQUIRE VOTES, EXCEPT BY QUALIFICATIONS HEREINAFTER PROVIDED; BUT FREEHOLDERS NOW ENROLLED OR ENTITLED TO BE ENROLLED IN SHIRES TO BE ENTITLED TO VOTE WHILE THEY RETAIN THEIR QUALIFICATION.—No person shall acquire, by succession, purchase, gift, or otherwise, the right of voting for a member of Parliament, either in shires, or in cities, burghs, or towns, except by one or other of the qualifications hereinafter prescribed and directed: Provided always, that all persons who at the passing of this Act shall be lawfully on the roll of freeholders of any shire in Scotland, or who shall then be entitled to be put on such roll, or who shall previous to the first day of March one thousand eight hundred and thirty-one have become the owners or superiors of lands affording the qualification for being so enrolled, shall, so long as they retain the necessary qualification on which they are now enrolled or are entitled to be enrolled as aforesaid, be entitled to be registered and to vote as hereinafter directed in the election of a member for such shire.

7. QUALIFICATION OF COUNTY VOTERS.—Every person, not subject to any legal incapacity, shall be entitled to be registered as hereinafter directed, and thereafter to vote at any election for a shire in Scotland, who, when the sheriff proceeds to consider his claim for registration in the present or in any future year, shall have been, for a period of not less than six calendar months next previous to the last day of July in any year, the owner (whether he has made up his titles, or is infeft, or not), of any lands, houses, feu duties, or other heritable subjects (except debts heritably secured) within the said shire; provided the subject or subjects on which he so claims shall be of the yearly value of ten pounds, and shall actually yield or be capable of yielding that value to the claimant, after deducting any feu duty, ground annual, or other consideration which he may be bound to pay or to give or account for as a condition of his right; provided he be, by himself, his tenants, vassals, or others, in possession of the said subjects, and be either himself in the actual occupation or in receipt of the profits and issues thereof to the extent above mentioned: Provided always, that where the whole profits and issues of any such subject do not arise annually,

but at longer intervals, the worth and amount of such occasional profits shall be taken into computation in estimating the annual value: Provided also, that where any property which would entitle the owner to be registered and to vote as above shall come to any person, within the said period of six months, by inheritance, marriage, marriage settlement, or mortis causa disposition, or by appointment to any place or office, such person shall be entitled to be registered on the first occasion of making up the lists of voters, as hereinafter provided, next following such succession or acquisition.

MANUAL, ss. 6, 11, 13, 14, 16, 17, and 30.

8. RULE AS TO LIFE-RENTERS AND FIARS AND JOINT OWNERS; AND AS TO HUSBANDS VOTING IN RIGHT OF THEIR WIVES' PROPERTY.—In elections for shires, where two or more persons are interested in any subject to which a right of voting is for the first time attached by this Act, as life-renter and as fiar, the right of voting shall be in the life-renter and not in the fiar; and all co-proprietors or joint owners shall be entitled each to vote in respect of their joint property within the shire, provided the share or interest of each joint owner so claiming on such property is of the yearly value of ten pounds, as above specified, but not otherwise: Provided also, that husbands shall be entitled to vote in respect of property belonging to their wives, or owned or possessed by such husbands after the death of their wives by the courtesy of Scotland.

MANUAL, ss. 9 and 10 (c). ADD. NOTES, s. 9.

9. TENANTS HOLDING UNDER LEASES OF A CERTAIN DESCRIPTION ENTITLED TO VOTE FOR COUNTIES—RENT PAYABLE IN GRAIN OR OTHER PRODUCE HOW TO BE VALUED.—Tenants in lands, houses, or other heritable subjects shall also be entitled to be registered, and to vote at elections for the shires in which the said heritable subjects are situated, provided each tenant (whether joint or several), when the sheriff proceeds to consider his claim for registration, shall, for a period of not less than twelve months next previous to the last day of July in any year, have held such subjects or tenements, whether in his personal possession or not, under a lease or leases, missive of lease, or other written title, for a period of not less than fifty-seven years (exclusive of breaks<sup>1</sup>), at the option of the landlord, or for the lifetime of the said tenant, where the clear yearly value of such tenant's interest, after paying the rent and any other consideration due by him for his said right, is not less than ten pounds, or for a period of not less than nineteen years where the clear yearly value of such tenant's interest is not less than fifty pounds, <sup>2</sup> or where such tenant shall, for the foresaid period of twelve months, have been in the

*actual personal occupancy of any such subject, where the yearly rent is not less than fifty pounds, or where the tenant, whatever the rent may be, has truly paid for his interest in such subject a price, grassum, or consideration of not less than three hundred pounds:* Provided always, that where, in any of these cases, the rent is payable in whole or in part in grain, the value shall be estimated according to the average fiars of the counties in which the heritable subjects are situated for the three preceding years, and where payable in any other species of produce, according to the average market prices of the neighbourhood for the same period; and the said values being once so fixed at the time of registering or refusing to register shall be held as settled for the whole period of the lease: Provided also, that where the right to any such lease as would entitle the tenant to be registered and to vote as hereinbefore provided shall come to any person, within the preceding twelve calendar months above specified, by inheritance, marriage, marriage settlement, or mortis causa disposition, such person shall be entitled to be registered on the first occasion of making up the list of voters, as hereinafter provided, next following such succession or acquisition: Provided also, that no sub-tenant or assignee to any sub-lease for fifty-seven or nineteen years shall be entitled to be registered or to vote in respect of his interest under such lease, unless he shall be in the actual occupation of the premises thereby set.

<sup>1</sup> *On account of a clerical error in the original Act, this parenthesis appears here; it should be inserted at the end of the word "landlord" on the next line.*

<sup>2</sup> *The words in italics are rep. 48 Vict. c. 3, s. 12, except in so far as relates to the rights of persons saved by that Act (see s. 10 thereof).*

MANUAL, ss. 18 and 20 to 24. ADD. NOTES, ss. 8, 18, 20, and 24.

**10. RIGHT OF VOTING FOR BURGHS AND DISTRICTS OF BURGHS NO LONGER TO BE IN TOWN COUNCILS AND DELEGATES, BUT IN INDIVIDUAL VOTERS.**—The members who are to be returned to serve in any future Parliament for any single city, town, or burgh, on which the right of returning a member or members is by this Act conferred, shall no longer be elected by the town councils of such cities, burghs, or towns, but directly by the several individuals on whom the right of electing such members to serve in Parliament is by this Act conferred; and where the election is by districts or sets of cities, burghs, or towns conjoined, the right of electing shall no longer be in the town councils or corporations of the said cities, burghs, or towns, or in delegates appointed by them, but in the individual voters on whom the right of election is by this Act conferred; and the member to serve in Parliament for any such district shall be returned according to the majority of individual votes given in the whole district.



**11. QUALIFICATION OF VOTERS IN CITIES, BURGHS, AND TOWNS—QUALIFICATION OF HUSBANDS IN RIGHT OF THEIR WIVES—DISQUALIFICATION BY RECEIPT OF PAROCHIAL RELIEF.**

—<sup>1</sup> *Every person, not subject to any legal incapacity, shall be entitled to be registered as hereinafter directed, and to vote at elections for any of the cities, burghs, or towns, or districts of cities, burghs, or towns, hereinbefore mentioned, who, when the sheriff proceeds to consider his claim for registration, shall have been, for a period of not less than twelve calendar months next previous to the last day of July in any year, in the occupancy, either as proprietor, tenant, or life-renter, of any house, warehouse, counting-house, shop, or other building, within the limits of such city, burgh, or town, which, either separately or jointly with any other house, warehouse, counting-house, shop, or other building within the same limits, or with any land owned and occupied by him, or occupied under the same landlord, and also situate within the same limits, shall be of the yearly value of ten pounds: Provided always, that the claimant shall have paid, on or before the twentieth day of July in any year, all assessed taxes which shall have become payable by him in respect of such premises previously to the sixth day of April then next preceding: Provided also, that no such person shall be entitled to be registered or to vote in the present or any future year, unless he shall have resided for six calendar months next previous to the last day of July in any year within such city, burgh, or town, or within seven statute miles of some part thereof: Provided also, that persons so resident shall be entitled to be registered and to vote if they are the true owners of such premises as are hereinbefore mentioned within such city, burgh, or town, of the yearly value of ten pounds or upwards, although they should not occupy any premises within its limits, or although the premises actually occupied by them should be of less yearly value than ten pounds; and that the husbands of such owners shall be entitled to vote, either in the lifetime of their wives, or after their death, if then holding such property by the courtesy of Scotland: Provided also, that no person shall be entitled to be registered or to vote for any city, burgh, or town who shall have been in the receipt of parochial relief within twelve calendar months next previous to the last day of July in any year.*

<sup>1</sup> *The words in italics are rep. 48 Vict. c. 3, s. 12, except in so far as relates to the rights of persons saved by that Act (see s. 10 thereof) and except in so far as the enactments repealed are made applicable to any franchise thereby enacted (as to which see ss. 5 & 7 (7) of that Act).*

MANUAL, ss. 7, 8, 9, 11, 13, 14, 16, 17, 18, 24, 30, and 31.

ADD. NOTES, s. 11.

**12. PROVISION AS TO PREMISES OCCUPIED IN SUCCESSION, AND AS TO JOINT OCCUPANTS.**—The premises in respect of which any person shall be deemed entitled to be registered, and to vote in the election for any city, burgh, or town, or district, shall not



be required to have been the same premises for the whole twelve months of his occupancy, but may be different premises (but always of the requisite value) occupied in succession by such person; provided always, that such person shall have paid all the assessed taxes legally exigible from him in respect of all such premises; and that where such premises shall be of the yearly value of twenty pounds or upwards, and shall be jointly occupied by more than one person, each of such joint occupiers shall be entitled to be registered, and to vote, provided his share and interest in the same shall be of the yearly value of ten pounds or upwards.

MANUAL, ss. 10 (c), 12, 20, and 21.

**13. PROVISIO AS TO CERTAIN PARISHES; AND AS TO ORKNEY AND SHETLAND.— . . .**

*S. 13 in part rep. 24 & 25 Vict. c. 83, s. 3; it is unnecessary to print the unrepealed portion.*

**14-22.** Rep. 19 & 20 Vict. c. 58, s. 1; 24 & 25 Vict. c. 83, s. 3.

**23.** Rep. 54 & 55 Vict. c. 67 (S.L.R.).

**24-26.** Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

**27. SHERIFFS SHALL DIVIDE THEIR COUNTIES INTO DISTRICTS FOR POLLING, AND APPOINT POLLING PLACES—TOWN CLERKS SHALL DIVIDE CITIES AND BURGHS INTO DISTRICTS AND APPOINT POLLING PLACES—PROVISIO AS TO CERTAIN BURGHS—POLLING BOOTHS TO BE PROVIDED AT CONTESTED ELECTIONS—POLLS TO BE TAKEN UNDER SUPERINTENDENCE OF SHERIFFS, OR SUBSTITUTES APPOINTED BY THEM.—**Within three months after the passing of this Act each sheriff shall divide his county into convenient districts for polling, following, as nearly as possible, the boundaries of parishes, baronies, or other known subdivisions, and shall appoint a particular polling place for each such district, which place shall be selected so as to be most accessible to the voters in the district; and such polling places . . . shall be so arranged as that no more than six hundred persons or thereabouts shall poll at any election at any one place; and each town clerk shall, in like manner, appoint one polling place in every city, burgh, or town of which he is clerk, in which the number of voters does not exceed six hundred or thereabouts, and shall, wherever the number of registered voters in any such city, burgh, or town shall exceed six hundred or thereby, divide the said city, burgh, or town into convenient districts, and appoint a convenient polling place in each such district, so as that no more

than about six hundred persons shall poll at any election at any such place; and each sheriff clerk shall, within fourteen days after the sheriff has so divided his county into districts for polling, make up a distinct list of the said districts and the polling place appointed in each, and shall cause copies of the said lists to be affixed to the doors of all the country parish churches in his county; and each town clerk shall, within the same period, affix lists of the polling place or polling places within his burgh to all the church doors within the same; . . . Provided always, that with respect to the contiguous burghs of Anstruther East, Anstruther West, and Kilrenny, the town clerk of Anstruther East shall appoint one polling place within the said burgh of Anstruther East for the whole of the said three burghs, which place shall be notified in manner herein provided, and all the voters in the said three burghs shall poll at the polling place so appointed; and at any contested election the sheriff shall, if required by any of the candidates, direct two or more booths, or halls, rooms, or other places for polling, to be provided at each polling place; and all polls shall be taken, both at elections for shires, and for cities, burghs, and towns under the superintendence of the sheriff, or of a substitute or substitutes named by him, which substitutes the sheriff is hereby empowered to name at his own discretion, without observing the forms necessary in the appointment of ordinary substitutes receiving salaries. . . .

*S. 27 in part rep. 16 & 17 Vict. c. 28, s. 1; and 35 & 36 Vict. c. 33, s. 32 (temp.).*

ADD. NOTES, ss. 37 and 38.

**28. WRITS FOR ELECTIONS TO BE ADDRESSED TO SHERIFFS, WHO SHALL ENDORSE THE DAY OF RECEIPT THEREON.**

*S. 28 in part rep. 35 & 36 Vict. c. 33, s. 32 (temp.); it is unnecessary to print the unrepealed portion.*

**29. Rep. 54 & 55 Vict. c. 67 (S.L.R.).**

**30. ORDER OF PROCEEDINGS AT ELECTIONS FOR CITIES, BURGHS, AND TOWNS—[PROVISIONS AS TO PROCLAMATION OF WRIT AND NOMINATION OF CANDIDATES].**

*S. 30 in part rep. 35 & 36 Vict. c. 33, s. 32 (temp.), and 54 & 55 Vict. c. 67 (S.L.R.); it is unnecessary to print the unrepealed portion.*

**31. EXTENSION OF TIME FOR RETURN OF WRIT FOR THE ELECTION OF A MEMBER FOR ORKNEY AND SHETLAND.**

*It is unnecessary to print this section.*

**32 and 33. Rep. 35 & 36 Vict. c. 33, s. 32 (temp.).**

## 34. Rep. 54 &amp; 55 Vict. c. 67 (S.L.R.).

**35. PROPERTY WITHIN A BURGH NOT TO CONFER A VOTE FOR THE COUNTY ; NOR PROPERTY NOT WITHIN A BURGH A VOTE FOR THAT BURGH.**—No person not now on the roll of freeholders shall be admitted to claim or to vote at the election for any shire in respect of any subject situate within the limits of any city, burgh, or town entitled to send or to contribute towards sending a member to Parliament ; nor shall any person be admitted to claim or to vote in the election for any city, town, or burgh in respect of any subject not situate within the limits of the said city, town, or burgh.

**36. DISQUALIFICATION OF SHERIFF, &C., TO VOTE OR BE ELECTED, &C.**—No sheriff shall be entitled to vote at any election for any member of Parliament to be holden within the county or combined counties of which he shall be sheriff ; and no sheriff substitute, and no sheriff clerk, or deputy sheriff clerk, shall be entitled to vote or to be elected at any election for a member to serve in Parliament for the shire of which he is the sheriff substitute or sheriff clerk ; and no town clerk or depute town clerk shall be entitled to vote or to be elected for the city, burgh, town, or district in which he is such clerk ; and no sheriff substitute, sheriff clerk, or town clerk shall, directly or indirectly, act as an agent for any candidate in any matter connected with or preparatory to any election for the county or burgh respectively in which such persons shall be respectively sheriff substitute, sheriff clerk, or town clerk.

*S. 36 rep. as regards "sheriffs" and "sheriffs substitute" by 7 Ed. 7, c. 51, s. 52 ; but s. 31 of that Act re-enacts the disabilities.*

MANUAL, ss. 30 and 36. ADD. NOTES, ss. 30 and 36.

**37. ELDEST SONS OF SCOTCH PEERS MAY VOTE AND BE ELECTED—COUNTY MEMBERS NEED NOT BE QUALIFIED AS ELECTORS OR HOLD SUPERIORITIES.**—The eldest sons of Scotch peers shall be entitled to be registered and to vote at all elections for members of Parliament for Scotland, and shall also be entitled, though not so registered, to be elected to serve as such members for any county, city, burgh, or town, or district of burghs, in Scotland ; and no member for any county in Scotland shall be required to be qualified as an elector or to hold any superiority within such county.

MANUAL, s. 30 (*f*).

**38. PENALTY ON OFFICERS FOR BREACH OF DUTY.**—If any sheriff, sheriff substitute, sheriff clerk, town clerk, or any person

whatsoever shall wilfully contravene or disobey the provisions of this Act, or any of them, with respect to any matter or thing which such sheriff, sheriff substitute, sheriff clerk, town clerk, or other person is hereby required to do, he shall for such his offence be liable to be sued in the Court of Session by any registered voter, candidate, member actually returned, or other party aggrieved, for the penal sum of five hundred pounds; and the jury before whom such action shall be tried may find their verdict for the full sum of five hundred pounds, or for any less sum which the said jury shall think it just that such party defender should pay to such party pursuer; and the defender in such action being convicted shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same, without prejudice, however, to the right of any party aggrieved by the misconduct of any sheriff as returning officer to recover such damages for a false return as he may be entitled to at common law or by virtue of any statute now in force: Provided always, that every such action shall be raised within four calendar months next after the cause of action has arisen, and that notice in writing shall be given to the defender at least one month before the raising of any such action, signed by the party raising such action, or his agent, and setting forth the place of abode of the party signing the same: Provided also, that any such defender against whom any judgment shall have been recovered in any such action shall be allowed to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing, and such other action being thereupon dismissed, such defender shall recover his full costs thereof.

39. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

40. CERTAIN EXCHEQUER ALLOWANCES TO SHERIFFS CONTINUED—EXPENSES OF BOOTHS, CLERKS, &c., TO BE PAID BY CANDIDATES—PERSON PROPOSING A CANDIDATE WITHOUT HIS CONSENT, LIABLE TO HIS SHARE OF EXPENSES.

*It is unnecessary to print this section.*

41. Rep. 54 & 55 Vict. c. 67 (S.L.R.).

42. SUBSTITUTE MAY ACT WHERE SHERIFF UNDER DISABILITY—ASSISTANT SHERIFFS, &c., MAY BE APPOINTED FOR REGISTRATION PURPOSES IN CERTAIN COUNTIES.—When any sheriff who is hereinbefore required to examine and decide on the claims for registration within his county, or to whom any writ for election is directed, shall be incapacitated from acting by sickness or unavoidable absence, one of his ordinary substitutes may act in his stead, provided he hold a substitution

specially authorizing him to do so: Provided also, that if the sheriffs of the counties of Edinburgh, Lanark, Fife, Forfar, Aberdeen, Perth, Ayr, Inverness, Renfrew, or Orkney and Shetland, or any of them, shall represent to the Lord President of the Court of Session, that, by reason of the great number of claims of registration presented or likely to be presented in such counties, it will be impracticable for them, without assistance, to dispose of such claims within the period limited by this Act, then and in that case it shall be competent to the said Lord President, being satisfied of the correctness of such representation, and he is hereby required, to nominate and appoint one or more other sheriffs or advocates of at least four years' standing to assist in disposing of the said claims within the said counties or any of them; and all judgments pronounced by the said assistant sheriffs or advocates shall be liable to be appealed from as if they had been pronounced by the sheriff of the county.

ADD. NOTES, s. 45.

43. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

44. Rep. 53 & 54 Vict. c. 33 (S.L.R.).

45. FUNCTIONS OF MEETINGS OF FREEHOLDERS TRANSFERRED TO COMMISSIONERS OF SUPPLY.—All powers, duties, and functions now vested in or exigible from any meeting of freeholders, by any law or statute in force at the dissolution of this present Parliament, shall thereafter be transferred to and vested in the said Commissioners of Supply, who shall exercise and discharge the same at their regular meetings as fully and effectually as the said meetings of freeholders might previously have exercised or discharged them.

46. MEANING OF CERTAIN WORDS IN THIS ACT—MISNOMERS NOT TO AFFECT OPERATION OF ACT—NO APPEAL TO SHERIFF FROM ANY ACT OF SUBSTITUTION.— . . . The words “town clerk” shall be held to include the words “town clerk depute”: Provided also, that no misnomer or inaccurate description of any person or place in any writing made in the form of any schedule to this Act annexed, or in any list or register or notice made under authority of this Act, shall in any way prevent or abridge the operation of this Act, provided that such person or place shall be so designated in such writing, list, register, or notice as to be commonly understood: Provided also, that no appeal shall be competent to any sheriff from any thing which may be done by their substitutes in the execution of this Act.

*S. 46 in part rep. 53 & 54 Vict. c. 33 (S.L.R.).*

ADD. NOTES, s. 45.

47-48. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

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SCHEDULES to which the preceding Act refers.

*These schedules contain an enumeration of the various constituencies, and it is unnecessary to print them.*



5 & 6 WILLIAM IV.

CHAPTER LXXVIII.

THE REPRESENTATION OF THE PEOPLE (SCOTLAND) ACT, 1835  
(*Short Titles Act*, 1896).

AN ACT to explain and amend an Act passed in the Second and Third Year of the reign of King William the Fourth, for amending the Representation of the People in Scotland; and to diminish the expenses there. [9th September 1835.]

[*Preamble recites 2 & 3 Will. 4, c. 65, s. 28.*]

1-2. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

3. SHERIFF MAY ALTER POLLING PLACES AND DISTRICTS.—The sheriff may, if required by or on behalf of any candidate, or, if not so required, if it shall appear to him expedient, increase or alter the number, situation, or arrangement of the existing polling places and districts, or parts thereof, so that not more than three hundred electors shall be allowed to poll in each booth or compartment for any of the cities, burghs, or towns within his shire, and where an alteration has been made by the sheriff in the number, situation, or arrangement of the polling places in any such city, burgh, or town, the town clerk shall forthwith make up a list of the polling places, and cause copies thereof to be affixed to the doors of all the parish or town churches within such city, burgh, or town.

ADD. NOTES, s. 38.

4. ON REQUISITION, SHERIFF SHALL ARRANGE BOOTHS, &C., SO THAT NOT MORE THAN 100 ELECTORS SHALL POLL IN EACH.—

*It is unnecessary to print this section.*

5. PROVISIO FOR CLOSING POLL BY AGREEMENT—PROVISIO FOR ADJOURNMENT IN CASE OF RIOT, &C.

*S. 5 in part rep. 35 & 36 Vict. c. 33, s. 32 (temp.), and 51 & 52 Vict. c. 57 (S.L.R.); it is unnecessary to print the unrepealed portion.*



6-8. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

9. ANY FREEHOLDER MAY APPLY TO POLL IN DISTRICT OF COUNTY TOWN, &C.—Any freeholder of any county or shire in Scotland, whose rights are preserved to him by the said recited Act, shall be entitled to make application to the sheriff of such county or shire, and upon one month's notice thereof being published on the doors of the said sheriff court, to poll at all times thereafter at the polling place for the district within which the county town is situated; and the sheriff shall delete his name from the district list, and insert it in that for the district in which the county town is situate: Provided always, that after making such application to the said sheriff, and publishing such notice on the doors of the said sheriff court, it shall not be lawful for the said freeholder to poll in any other district of such county or shire; and provided also, that where a fiar and life renter are registered in respect of the same freehold qualification they shall both concur in the said application.

10. VOTE OF FIAR OF A FREEHOLD NOT TO BE RECKONED AT ANY ELECTION WHERE LIFE RENTER HAS VOTED ON SAME QUALIFICATION.—The vote of any fiar of a freehold qualification in any county or shire in Scotland, whose rights are preserved to him by the said recited Act, shall always be taken by the sheriff on a paper apart, and shall not be reckoned by him in casting up the votes at any election where it shall appear that the life renter has voted.

11. PROVISION FOR NECESSARY ABSENCE OF SHERIFF AND VACANCY IN OFFICE.—Where a sheriff is necessarily absent from any place where any duty, other than that of acting as a judge of appeal, is required of him by the said recited Act or by this Act, it shall be competent for him to appoint a special substitute to act for him at such place; and in the event of no such special substitution, his ordinary substitute at the place shall be entitled and is hereby required to act in his room; and if the office of sheriff shall at any time be vacant by death or resignation, when any of the duties imposed by the said recited Act or by this Act (other than those imposed upon him as a judge of appeal) are required to be performed, the ordinary substitute at the head burgh of the shire appointed by the former sheriff shall be entitled and is hereby required to act until a successor to such former sheriff shall be appointed and be in a capacity to act.

ADD. NOTES, s. 45.

12, 13, 15. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

14. Rep. 37 & 38 Vict. c. 35 (S.L.R.).

16 & 17 VICTORIA.

CHAPTER XXVIII.

THE COUNTY ELECTIONS (SCOTLAND) ACT, 1853  
(*Short Titles Act*, 1896).

AN ACT to amend the Law as to taking the Poll at Elections of Members to serve in Parliament for Scotland.

[14th June 1853.]

[*Preamble refers to 2 & 3 Will. 4, c. 65.*]

1. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

2. ARRANGEMENT OF POLLING PLACES.—It shall be lawful for each sheriff, with the consent of her Majesty's Advocate for Scotland for the time being, from time to time hereafter to increase or otherwise alter the number, situation, or arrangement of the existing polling places and districts, or parts thereof, in his county, so that not more than three hundred electors shall be allowed to poll at any such election as aforesaid at any one place: Provided always, that no such increase or alteration as aforesaid shall be made until notice thereof shall have been publicly given by advertisement . . . in the several newspapers published within the county in which the said increase or alteration is proposed to be made; and in case any of the inhabitants, not less than ten in number, being registered voters for such county, shall be desirous of opposing such increase or alteration as aforesaid, it shall be lawful for them, at any time not later than one week from the publication of the last advertisement, to lodge with the sheriff clerk of the county a written notice, signed by such inhabitants as aforesaid, being not less than ten in number, stating their objections to such increase or alteration, or any suggestions they may wish to offer for the purpose of obtaining a different arrangement of polling places or districts from that proposed in such advertisement as aforesaid; and the sheriff clerk shall thereupon transmit the same to her Majesty's Advocate for Scotland for the time being, who shall, within fifteen days from the receipt thereof, notify his decision thereon to the sheriff; and thereupon, if the said decision shall sanction the original or any increase or other alteration in the

number, situation, or arrangement of the existing polling places or districts, the sheriff clerk shall forthwith, or, in the event of no such notice of objection as aforesaid being given, shall at the expiration of one week from the date of the last advertisement as aforesaid, make a distinct list of such new polling places and districts so appointed, and shall cause copies of the said lists to be affixed to the doors of all the parish churches in his county.

*S. 2 in part rep. 48 & 49 Vict. c. 16, s. 9.*

ADD. NOTES, s. 37.

**3. PETITION FOR INCREASE, DIMINUTION OR ALTERATION OF POLLING PLACES, &C.**—Provided always, that in case any of the inhabitants of a county, being registered voters for the same, shall be at any time dissatisfied with the then existing number or position of polling places or districts, it shall be lawful for any of them to present to the sheriff a petition signed by not less than ten such inhabitants as aforesaid, representing that the number of polling places or districts is insufficient or excessive (as the case may be), or that their situation and arrangement is inconvenient, and praying that the place or places mentioned in such petition may be a polling place or places for that county, or that the alterations or other changes mentioned in such petition may be made in the number, situation, or arrangement of the then existing polling places or districts; and on the receipt of such petition the sheriff shall, with the consent of her Majesty's Advocate for Scotland, proceed therein in the same way as herein-before provided, and as though the increase or alterations in the said petition mentioned had been originally proposed by the sheriff.

ADD. NOTES, s. 37.

#### 4. POLLING BOOTHS.

*It is unnecessary to print this section.*

**5. WHERE VOTERS SHALL POLL**—5 & 6 WILL. 4, c. 78, s. 9.—Every county voter (except as herein-after provided) shall poll at the polling place of the district within which the premises, or any part of them, in respect of which he claims to vote, may be situate: Provided that nothing herein contained shall be held to repeal or alter the ninth section of the Representation of the People (Scotland) Act, 1835, respecting freeholders in counties.

**6. VOTERS MAY CLAIM TO VOTE AT ANOTHER POLLING PLACE IN CERTAIN CASES.**—Any county voter, not being a freeholder, and not resident in the district containing the premises in respect of which he claims to vote, may make

application, in person or by writing, to the sheriff, at the registration court of the county, to be entitled to poll at the polling place nearest to his residence; and the sheriff, on being satisfied of the truth of the statements of such voter, shall insert in the list against the name of the voter making such application the name of the polling place at which such person shall be registered to vote; and such voter shall thereafter be entitled to vote at such polling place, and shall not be at liberty to poll at any other polling place for the same county.

7. NON-RESIDENT VOTERS, WITH ISLAND QUALIFICATIONS.—Where the polling place for a district containing the premises in respect of which any voter claims to vote shall be in an island distant more than ten miles from the mainland of the county, such voter, not being resident in the island, may poll at the polling place for the district in which the county town is included.

ADD. NOTES, s. 49.

8. Rep. 55 & 56 Vict. c. 19 (S.L.R.).

9. ADJOURNMENT OF POLL IN CASE OF RIOT, &c.— . . .

*S. 9 in part rep. 55 & 56 Vict. c. 19 (S.L.R.); it is unnecessary to print the unrepealed portion.*

10. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

11. Rep. 55 & 56 Vict. c. 19 (S.L.R.).

1853  
DEC. 182

17 & 18 VICTORIA.

CHAPTER XCI.

THE LANDS VALUATION (SCOTLAND) ACT, 1854  
(*Short Titles Act*, 1896).

AN ACT for the Valuation of Lands and Heritages in Scotland.<sup>1</sup>  
[10th August 1854.]

<sup>1</sup> *This Act is rep. 30 & 31 Vict. c. 80, s. 11, in so far as necessary to give effect to the provisions of that Act.*

[*Preamble.*]

1. ANNUAL VALUATION ROLLS OF THE LANDS AND HERITAGES IN COUNTIES AND BURGHs.—The Commissioners of Supply of every county and the magistrates of every burgh in Scotland respectively shall annually cause to be made up a valuation roll, showing the yearly rent or value for the time of the whole lands and heritages within such county or burgh respectively, and separately within each parish or part of a parish situated within such county or burgh respectively, and specifying in each case the nature of such lands and heritages, and the names and designations of the proprietors or reputed proprietors, and, where there are tenants or occupiers, of the tenants and of the occupiers thereof respectively. . . .

*S. 1 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

2. OFFICERS OF INLAND REVENUE TO ASSIST IN MAKING UP THE VALUATION ROLLS.—In making up the valuation roll the Commissioners of Supply and magistrates respectively may take the assistance of the officer of Inland Revenue charged with the duty of assessing to the income tax in such county or burgh respectively; and such commissioners and magistrates respectively may from time to time, as often as they may deem it necessary, by their order in writing, to be signed by their clerk, require any officer of Inland Revenue charged with the duty of assessing the income tax in such county or burgh respectively to appear before them when, and where, and as often as such commissioners and magistrates respectively may deem expedient,

and to produce all assessments and other documents in the custody or power of such officer relating to the value of or assessment on all or any of the property within the several parishes or places within his district or division, and to be examined on oath, and answer such questions as the said commissioners and magistrates respectively may put to him touching the said assessments or the value of the property contained therein. . . .

*S. 2 in part rep. 48 & 49 Vict. c. 3, s. 9 (6).*

**3. APPOINTMENT AND DUTIES OF ASSESSORS.**—In order to the making up of such valuation, the Commissioners of Supply of each county and the magistrates of each burgh respectively shall, as occasion requires, appoint one or more fit and proper persons to be assessors or assessor for the purposes of this Act; and it shall be the duty of such assessors annually to ascertain and assess the yearly rent or value of the several lands and heritages within the county or burgh respectively, other than the lands and heritages of railway and canal companies, which are hereinafter specially provided for, and to make up such valuation roll thereof in the manner by this Act prescribed; and every such assessor shall be appointed either for the whole county or burgh, or for some particular portion or district thereof to be prescribed by the Commissioners of Supply or magistrates respectively; and every such assessor shall on being appointed by the said Commissioners of Supply or magistrates respectively, and before entering upon the duties of his office, declare that he will faithfully and honestly perform the duties thereof; and every such assessor shall be removeable at the pleasure of the said commissioners or magistrates respectively.

**4. DATE FOR MAKING UP VALUATION ROLL.**—In every county and burgh . . . a new valuation roll shall be annually made up by the assessors on or before the fifteenth day of August in every . . . year.

*S. 4 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

**6. YEARLY VALUE OF LANDS, WOODS, &C., HOW TO BE ESTIMATED—AS TO LANDS LET ON LEASE FOR LONG TERMS.**—In estimating the yearly value of lands and heritages under this Act, the same shall be taken to be the rent at which, one year with another, such lands and heritages might in their actual state be reasonably expected to let from year to year; and where such lands and heritages consist of woods, copse, or underwood, the yearly value of the same shall be taken to be the rent at which such lands and heritages might in their natural state be reasonably expected to let from year to year as pasture or grazing



lands ; and where such lands and heritages are *bonâ fide* let for a yearly rent conditioned as the fair annual value thereof, without grassum or consideration other than the rent, such rent shall be deemed and taken to be the yearly rent or value of such lands and heritages in terms of this Act: Provided always, that if such lands and heritages be let upon a lease the stipulated duration of which is more than twenty-one years from the date of entry under the same, or in the case of minerals more than thirty-one years from such date of entry, the rent payable under such lease shall not necessarily be assessed as the yearly rent or value of such lands and heritages, but such yearly rent or value shall be ascertained in terms of this Act irrespective of the amount of rent payable under such lease, and the lessee under such lease shall be deemed and taken to be also the proprietor of such lands and heritages in the sense of this Act, but shall be entitled to relief from the actual proprietor thereof, and to deduction from the rent payable by him to such actual proprietor of such proportion of all assessments laid on upon the valuation of such lands and heritages made under this Act, and payable by such lessee as proprietor in the sense of this Act, as shall correspond to the rent payable by such lessee to such actual proprietor as compared with the amount of such valuation.

*Further proviso added by 58 & 59 Vict. c. 41, s. 4. .*

MANUAL, ss. 13 and 22.

11. VALUATION ROLL SHALL BE RETAINED BY ASSESSOR TILL 8TH OF SEPTEMBER YEARLY, AND SHALL THEN BE TRANSMITTED TO THE CLERK OF SUPPLY OR TOWN CLERK, AND SHALL BE OPEN TO INSPECTION IN HIS OFFICE.—The valuation roll, when made up by the assessor, shall be retained by him until the eighth day of September in each year, when he shall transmit it to the clerk of supply of the county or to the town clerk of the burgh, as the case may be, or, if there be no town clerk, to such other person as the chief magistrate of the burgh, or, if there be no such magistrate, the sheriff of the county, may specially appoint for the purpose, which he is hereby required in such case to do, as occasion requires ; and the said valuation roll shall thereafter remain in the office of such clerk of supply or town clerk, or other person specially appointed as aforesaid, patent to every person having interest therein, either as proprietor, tenant, or occupier.

12. VALUATION ROLL, WHEN COMPLETED, TO BE AUTHENTICATED, AND TO BE IN FORCE FOR ONE YEAR—CLERKS OF PAROCHIAL BOARDS TO BE FURNISHED WITH COPIES OF SO MUCH OF THE ROLL AS RELATES TO THEIR PARISHES.—As soon as all appeals taken under this Act shall have been disposed of, and



the valuation of the county or burgh shall have been thereby completed, the said valuation roll shall be authenticated in counties by the signature of the convener of the Commissioners of Supply, or of the clerk of supply, or other person whom the Commissioners of Supply may authorize for that purpose, and in burghs by the signature of the chief magistrate, or of the town clerk, or other person whom the magistrates may authorize for that purpose; and such valuation roll shall then be in force as the valuation roll of the county or burgh, as the case may be, for the year commencing at the term of Whitsunday immediately preceding, and ending at the term of Whitsunday immediately following; and as soon as such valuation roll has been authenticated as aforesaid, the clerk of supply or town clerk, as the case may be, shall furnish to the clerks of the several parochial boards within the county or burgh a copy of so much thereof as relates to their respective parishes; and every parish, person, or persons interested in any valuation roll under this Act shall be entitled to inspect and make copies of the same or any part thereof, at their own expense, at such reasonable times, and on payment of such moderate fee, and subject to such regulations, as the Commissioners of Supply or magistrates respectively may fix.

. . . . .

**30. MISTAKES OR MISNOMERS, &C., NOT TO AFFECT VALUATIONS.**—No valuation of any lands or heritages contained in any valuation roll under this Act shall be rendered void or be affected by reason of any mistake or variance in the names of such lands or heritages, or in the Christian or surname or designation of any proprietor or tenant or occupier thereof; and no valuation roll which shall be made up and authenticated in terms of this Act, and no valuation which shall be contained therein, shall be challengeable, or be capable of being set aside or rendered ineffectual, by reason of any informality, or of any want of compliance with the provisions of this Act, in the proceedings for making up such valuation or valuation roll.

**31. PROPRIETORS TO BE CHARGEABLE WITH ASSESSMENTS ON LANDS SEPARATELY LET AT LESS THAN L.4 RENT—REIMBURSEMENT OF PROPRIETORS BY TENANTS.**—In all cases where any lands or heritages shall be separately let at a rent not amounting to four pounds per annum, and the names of the occupiers thereof shall not have been inserted in the valuation roll, the proprietor of such lands and heritages shall be charged with and have to pay the whole of the assessments on such lands and heritages separately let as aforesaid; but every such proprietor charged with and paying such assessments shall have relief against the tenants and occupiers of such lands and heritages for

reimbursements thereof, if and in so far as such assessments may by law be properly chargeable upon such tenants or occupiers.

. . . . .

**34. VALUATION ROLLS SHALL BE EVIDENCE OF VALUE IN PROCEEDINGS RELATING TO THE FRANCHISE; AND SHALL BE PRODUCED AT REGISTRATION COURTS AND COURTS OF APPEAL.—** In all questions and proceedings under any Act of Parliament relating to the franchise, or to the representation of the people in Parliament, it shall be sufficient to refer to an entry in the valuation roll in force for the time or last in force under this Act in any county or burgh, and such entry shall be received and taken in all such questions and proceedings as conclusive proof that the gross yearly rent or value of the lands or heritages specified therein is at the date of such reference, and has been from the commencement of the year to which such valuation roll applies, of the amount therein set forth; and it shall be competent in all cases, notwithstanding anything in any existing Act of Parliament to the contrary, to refer to such valuation roll in such appeal court, although such valuation roll may not have been produced or referred to in the registration court; and it shall be the duty of every sheriff clerk of a county and town clerk of a burgh officiating or who ought to officiate at any registration court or court of appeal under any such Act of Parliament to have the valuation roll of the county or burgh, as the case may be, in force for the time under this Act on the table of such registration court or court of appeal, as the case may be, for reference as aforesaid; and as soon as each annual valuation roll of a county, or of a burgh not being a burgh sending or contributing to send a member to Parliament, shall have been completed under this Act, and when the same shall be required for the purposes of any registration or appeal court, the clerk of supply having the custody of such valuation roll shall, when called upon to do so, transmit the same to the sheriff clerk of the county, by whom it shall be retained, patent to all parties having interest therein, until the business of the registration and appeal courts of the year shall be concluded, when it shall be forthwith returned by such sheriff clerk to such clerk of supply.

**35. VALUATION ROLLS PRESERVED IN THE GENERAL REGISTER HOUSE.—**The valuation rolls to be made up in terms of this Act shall be . . . of such dimensions as may be prescribed by the Lord Clerk Register of Scotland, or his deputy; and at the expiration of six years from the date of the passing of this Act, and at the expiration of every subsequent period of six years thenceforward, every clerk of supply and town clerk or other person being custodier of the valuation rolls of any county or burgh under this Act shall transmit or cause to be transmitted

to the said Lord Clerk Register or his deputy, in order to preservation thereof in the General Register House of Scotland, the whole valuation rolls of such county or burgh then completed, and not previously transmitted, other than the valuation rolls of such county or burgh in force for the time being.

*S. 35 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

**36. BOUNDARIES OF BURGHS**—2 & 3 WILL. 4, C. 65.—The limits and boundaries of such burghs as send or contribute to send a member or members to Parliament shall for the purposes of this Act be taken and held to be according to the limits and boundaries prescribed by the representation of the People (Scotland) Act, 1832: Provided always, that in any burgh in which the ordinary jurisdiction of the magistrates shall not extend over the whole of the said boundaries it shall be lawful to exclude therefrom for the purposes of this Act such part thereof, being beyond the ordinary jurisdiction of the magistrates, as may be mutually agreed on by the magistrates of the burgh and the Commissioners of Supply for the county, or, in case of disagreement, as shall be determined by the sheriff of such county: Provided always, that where more than one burgh contributes to send a member or members to Parliament, each such burgh shall notwithstanding be held to be distinct and separate burghs for the purposes of this Act; and the magistrates of each burgh respectively shall have and exercise all the powers herein conferred on magistrates of burghs: Provided also, that where the boundaries of any burgh are not prescribed by the Representation of the People (Scotland) Act, 1832, the same shall be determined by the sheriff of the sheriffdom in which such burgh is situated, or, if such burgh be situated partly in one county and partly in another, by the sheriff of that sheriffdom in which the greater part of such burgh may be situated; and as soon as may be after the passing of this Act every sheriff to whom such power of fixing the boundaries of any burgh for the purposes of this Act is hereby committed shall, by letter to be addressed by him to the chief or senior magistrate or other administrator on behalf of such burgh, require such magistrate or other administrator of such burgh to attend him at a time and place to be fixed in such letter, and shall likewise intimate the same to the convener or conveners of the county or counties in which such burgh is situated, and shall at such time and place, or at any time or place to which the sheriff may adjourn the inquiry, take such evidence as may be adduced to him, or as he may think necessary, and shall thereupon, by writing under his hand, fix and determine the boundaries of such burgh for the purposes of this Act, and shall cause such written determination to be recorded in the sheriff court books of his county, and shall furnish an official extract therefrom to such magistrate or administrator, and to the clerk or clerks of supply of the county or counties within

which such burgh is situated; and such determination shall, when so recorded, fix and determine the boundaries of such burgh for the purposes of this Act.

42. INTERPRETATION.—The following words and expressions, when used in this Act, shall in the construction thereof be interpreted as follows, except when the nature of the provision or the context of the Act shall exclude or be repugnant to such construction; (that is to say,) the expression “lands and heritages” shall extend to and include all lands, houses, shootings, and deer forests, . . . fishings, woods, copse, and underwood, from which revenue is actually derived, ferries, piers, harbours, quays, wharfs, docks, canals, railways, mines, minerals, quarries, coalworks, waterworks, limeworks, brickworks, ironworks, gasworks, factories, and all buildings and pertinents thereof, and all machinery fixed or attached to any lands or heritages: Provided always, that no mine or quarry shall be assessed unless it has been worked during some part of the year to which such assessment applies; . . . the word “proprietor” shall apply to life-renters as well as fiars and to tutors, curators, commissioners, trustees, adjudgers, wadsetters, or other persons, who shall be in the actual receipt of the rents and profits of lands and heritages; the word “factor” shall mean a person acting under a probative factory and commission for the proprietor or proprietors, including corporations being proprietors, for whom he is factor, and in the *bonâ fide* actual management as such factor of the lands and heritages belonging to such proprietor; the word “burgh” shall apply only to a city, burgh, or town, being a royal burgh, or which sends or contributes as a burgh to send a member to Parliament; the expression “magistrates of burghs” shall include the lord provost, or provost, or chief magistrate, and magistrates and councils of burghs, and all persons being members for the time of such magistracy or council; the word “town” shall extend to and include all burghs, as well royal and parliamentary burghs as burghs of barony or regality, and all other burghs whatsoever, and generally all places situate within a county forming an area of assessment distinct from such county; the word “county” . . . shall include and apply to a county exclusive of the burghs situate therein; the expression “the assessor” shall mean the assessor under this Act of the county or burgh or portion or district of the county or burgh for which he is assessor, as distinguished from the assessor of railways and canals under this Act.

*S. 42 in part rep. 49 & 50 Vict. c. 15, s. 4, and 55 & 56 Vict. c. 19 (S.L.R.); proviso as to machinery added by 2 Ed. 7. c. 25, s. 1.*

MANUAL, ss. 11 and 21.

## 19 & 20 VICTORIA.

### CHAPTER LVIII.

#### THE BURGH VOTERS REGISTRATION (SCOTLAND) ACT, 1856 (*Short Titles Act*, 1896).

AN ACT to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland.<sup>1</sup> [21st July 1856.]

<sup>1</sup> *All enactments in force regarding appeals from the judgments of sheriffs in registration courts for counties and burghs, rep. 31 & 32 Vict. c. 48, s. 22.*

NOTE.—*The Reform Act of 1884 (48 Vict. c. 3), section 8 (6), provides that this Act “shall, with the necessary variations, and with the necessary alterations of notices and other forms, extend and apply to counties as well as to burghs”; and the principal changes involved are (1) that a “burgh” becomes a “county or division of a county,” (2) that a “ward” in a burgh becomes a “parish” in a county, (3) that the “town clerk” becomes the “sheriff clerk,” and (4) that “the Magistrates of the burgh” become the County Council of the county.”*

[*Preamble recites 2 & 3 Will. 4, c. 65.*]

1. CONSTRUCTION.— . . . This Act shall be taken to be part of the said Act as fully as if it were incorporated therewith.

*S. 1 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

2. LISTS OF PERSONS ENTITLED TO VOTE AT ELECTIONS OF MEMBERS OF PARLIAMENT FOR BURGHs.—The assessor of every burgh shall on or before the fifteenth day of [1 September] in every year make out or cause to be made out, according to the form number 1 of the schedule A. hereunto annexed, a list of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for such burgh; and such list shall be arranged in wards (where the burgh is divided into wards), and in polling districts; and each ward and polling district shall be arranged, as far as conveniently may be, in the alphabetical order of the surnames of the persons entitled as aforesaid, or otherwise, as far as conveniently may be, in the



alphabetical order of streets, squares, lanes, and other places in which houses are distinguished by numbers, and in which the subjects of qualification are situated; and as regards all other <sup>2</sup> places, in the alphabetical order of the surnames of the persons entitled as aforesaid; and in such list the Christian name and surname of every such person shall be written at full length, together with his occupation, the place of his abode, the nature of his qualification, and the name of the street, and number of the house (if any), or other description of the place where the property in right of which he is entitled to vote may be situate; and the assessor shall sign the said list, and shall forthwith cause a sufficient number of copies thereof to be written or printed; and shall on or before the said fifteenth day of [1 September] in every year publish copies of the said list, by affixing the same on or near the <sup>3</sup> town hall or other conspicuous places within the burgh; and shall also on or before such fifteenth day of [1 September] give notice, by advertisement in some one or more newspapers circulating in the burgh, of the place at which a copy of such list will be open to perusal; and such copy shall be open to perusal by any person, without payment of any fee, at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of each day, except Sunday, from the [4 sixteenth to the twenty-first days of September], both inclusive; and the assessor shall deliver copies thereof signed by him to all persons applying for the same, on payment of a price for each copy after the rate contained in the table number 1 of the schedule B. hereto annexed: Provided always, that if any person who may desire his name not to be inserted in such list shall intimate such desire in writing to the assessor, the assessor shall not insert in such list the name of such person.

<sup>1</sup> Substituted for "*August*" by 31 & 32 Vict. c. 48, s. 20.

<sup>2</sup> In counties the lists are arranged according to the alphabetical order of the surnames of the voters in each parish. See 24 & 25 Vict. c. 83, s. 8.

<sup>3</sup> The lists in counties, or such part thereof as relates to each parish in the county, are affixed on the door of the church in each parish. See *Ibid.*

<sup>4</sup> Substituted for "*the sixteenth to the twenty-fifth days of August*" by 31 & 32 Vict. c. 48, s. 20.

MANUAL, ss. 32 (g), 37, 38, and 39.

**3. CLAIMS BY PERSONS OMITTED IN SUCH LISTS.**—Every person whose name shall have been omitted in any such list of voters for any burgh, and who shall claim as having been entitled on the last day of July then next preceding to have his name inserted therein, and every person desirous of being registered for a different qualification than that for which his name appears in such list, shall on or before the [twenty-first day of September] in such year give a notice, according to the form number 2 of the said schedule A., or to the like effect, to the assessor;

and the assessor shall include or cause to be included the names of all persons claiming as aforesaid in lists arranged as aforesaid, according to the form number 3 of the said schedule A. signed by him.

<sup>1</sup> *Substituted for "twenty-fifth day of August" by 31 & 32 Vict. c. 48, s. 20.*

MANUAL, ss. 40, 41, and 43.

**4. OBJECTIONS TO LISTS.**—In every year every person whose name shall have been inserted in any list of voters for any burgh may object to any other person as not having been entitled on the last day of July next preceding to have his name inserted in any list of voters for such burgh; and every person so objecting shall on or before the [<sup>1</sup>twenty-first day of September] in such year give or cause to be given to the assessor of such burgh a notice, according to the form number 4 of the said schedule A., or to the like effect, and shall also on or before such [<sup>1</sup>twenty-first day of September] give or cause to be given to the person so objected to, or leave or cause to be left at his place of abode as described in such list, a notice, according to the form number 5 of the said schedule A., or to the like effect; and every such notice of objection shall be signed by the person objecting as aforesaid.

<sup>1</sup> *Substituted for "twenty-fifth day of August" by 31 & 32 Vict. c. 48, s. 20.*

MANUAL, s. 42.

**5. LISTS OF PERSONS OBJECTED TO.**—The assessor shall in every year include the names of all persons so objected to in a list arranged as aforesaid, according to the form number 6 of the said schedule A., signed by him; and shall cause copies of the said list of persons objected to to be written or printed; and shall publish such list, and the said list of claimants as aforesaid, on or before the [<sup>1</sup>twenty-fifth] day of September in each year, by advertising in one or more newspapers circulating in the burgh the <sup>2</sup>place at which copies of the said lists, and the notices of claims and objections, will be open to perusal; and copies of the said lists, and also the notices of claims and objections which he shall have received, shall, unless when in use in the registration court in terms of this Act, be open to be perused by any person, without payment of any fee, at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of each day, except Sunday, [<sup>3</sup>between the twenty-fifth day of September and the first day of October] in the said year; and the assessor shall deliver copies of the said lists, or either of them, to any person requiring the same, on payment of a price



for each copy after the rate contained in the table number 1 of the said schedule B.

<sup>1</sup> Substituted for "first" by 31 & 32 Vict. c. 48, s. 20.

<sup>2</sup> In counties the lists of claims and objections, or such part thereof as relates to each parish in the county, are to be affixed to the door of the church in each parish. See 24 & 25 Vict. c. 83, ss. 10 and 22.

<sup>3</sup> Substituted for "during the first fourteen days of September" by 31 & 32 Vict. c. 48, s. 20.

MANUAL, s. 43.

6. ASSESSORS TO DELIVER LISTS TO TOWN CLERKS.—On or before the [1 twenty-fifth] of September in each year the assessor shall deliver to the town clerk a copy of the said list of voters made out by him as aforesaid, and a copy of the said list of claimants, and a copy of the said list of persons objected to, all signed by him as aforesaid.

<sup>1</sup> Substituted for "first" by 31 & 32 Vict. c. 48, s. 20.

MANUAL, s. 43.

7. IF MORE ASSESSORS THAN ONE IN ANY BURGH, ONE TO BE SPECIALLY APPOINTED TO PERFORM THE DUTIES IMPOSED BY THIS ACT.—Where in any burgh there shall be more than one assessor in and for such burgh, the magistrates of the burgh shall . . . nominate and appoint one of such assessors to perform the duties imposed on the assessor under this Act; and also make public advertisement of such appointment in some one or more newspapers circulating in such burgh; . . . and every such assessor so appointed shall from the date of his appointment be specially charged with all the duties incumbent on the assessor under this Act; and on every occasion where in any burgh an assessor so appointed shall cease to hold office, the magistrates shall, at latest within three weeks thereafter, appoint another assessor to act as aforesaid, and make public advertisement of such appointment as before mentioned; and in the event of such magistrates failing to do so, such appointment and advertisement shall be made by the sheriff of the county, within five weeks at latest after the former assessor shall have ceased to hold office as aforesaid: Provided always, that all other assessors in such burgh shall in all matters relating to this Act be subject to the orders of the assessor so to be appointed, and shall take instructions from him, and shall be bound to act on such instructions, so far as consistent with this Act: Provided always, that if any portion of a county shall for election purposes be included in any burgh, the assessor of the burgh shall in relation thereto perform all the duties required by this Act, and the assessor of the county shall be bound to afford the assessor of the burgh all reasonable access to the valuation roll of the county for that purpose.

*S. 7 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

NOTE.—The corresponding section in 24 & 25 Vict. c. 83 is section 7, to which reference is made.

8. ASSESSORS DISQUALIFIED FROM VOTING AT PARLIAMENTARY OR MUNICIPAL ELECTIONS.—Every assessor in any burgh shall, while he continues such assessor, be disqualified from being registered as a voter, and from voting or taking part in any election of a member to serve in Parliament for such burgh and also from voting or taking part in any municipal election within the burgh.

MANUAL, s. 30.

9. SERVICE OF NOTICES.—Whenever any notice is by this Act required to be given to the assessor, it shall be sufficient if such notice shall be delivered to him, or left, or sent to him by post, postage paid, at his place of abode, or at his place for transacting his official business; and wherever by this Act any notice is required to be given to any other person, it shall be sufficient if such notice be sent by the post, postage paid, addressed, with a sufficient direction, to the person to whom the same ought to be given, at his usual place of abode.

MANUAL, ss. 41 and 42 (*e*).

10. ADVERTISEMENTS UNDER THIS ACT.—In all cases where any notice is directed by this Act to be advertised in any newspaper, such advertisement shall be repeated in the same or some similar newspaper, not earlier than six and not later than eight days after the day on or before which such advertisement is herein required to be published.

MANUAL, s. 44.

11. LISTS PUT UP SHALL BE MAINTAINED FOR TIME HEREBY LIMITED, AND, IF REMOVED, &C., SHALL BE REPLACED.—Where any document shall, pursuant to the provisions of this Act, be affixed on any place, the same shall continue so affixed for a period including two consecutive Sundays at the least next after the day of publication, and if removed or defaced within such period shall be replaced by the person bound to give the notice.

MANUAL, s. 44.

12. PENALTY FOR INJURING LISTS.—Every person who shall wilfully mutilate or remove any document so affixed during such period shall for every such offence forfeit a sum not exceeding forty shillings nor less than ten shillings, to any person who will sue for the same, to be recovered in a summary manner before the sheriff of the county, or any two justices of the peace.

**13. LISTS NOT INVALIDATED BY DEFICIENT PUBLICATION.**—No list shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the place, and for the full time herein required for publication thereof; and the sheriff shall proceed to revise and adjudicate upon every such list, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any assessor or other person acting in wilful or culpable neglect of any duty imposed upon him by this or the first-recited Act from any penalties thereby incurred.

MANUAL, s. 44.

**14. ERRORS OF OFFICERS NOT TO AFFECT CLAIMS OR OBJECTIONS.**—No claim or objection to any claim shall be affected by any mistake, error, or omission committed by any public officer to whom claims or objections are appointed to be given in or transmitted.

MANUAL, s. 44.

**15. PROVISION FOR FILLING UP AD INTERIM OFFICES.**—Where in any burgh any office upon the holder whereof duties are imposed by this Act shall become vacant, it shall be competent for the sheriff of the county, and he is hereby authorized and required, in the event it shall appear to him to be necessary or expedient in order to the carrying out of the purposes of this Act, to appoint a person to perform ad interim the duties of such office, in so far as imposed by or necessary for the purposes of this Act; and the person so to be appointed shall be charged with and perform such duties until such office be duly filled up, and shall be entitled to such reasonable remuneration therefor as may be fixed by such sheriff, with the approbation of the Lord Advocate, and such remuneration shall be payable in the like manner and out of the like funds as the salary or allowances of the office become vacant as aforesaid.

**16. VALUATION ROLLS TO BE OPEN TO INSPECTION OF PERSONS ON LISTS, AND OF CLAIMANTS.**—Any person whose name shall be on any list of voters for the time being for any burgh, or who shall have claimed to have his name inserted in any such list, may at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of each day, except Sunday, between the [<sup>1</sup>fifteenth day of September] and the twenty-first day of October, inspect any valuation roll, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person; and every officer having the custody thereof is hereby

<sup>1</sup> Substituted for "sixteenth day of August" by 31 & 32 Vict. c. 48, s. 20.

required to permit such inspection, and the making of such extracts, without payment of any fee.

**17. VALUATION ROLL TO BE PRIMA FACIE EVIDENCE OF MATTERS STATED THEREIN—17 & 18 VICT. C. 91.**—In all questions and proceedings under this or the recited Act, the valuation roll made up by the assessor in terms of the fourth section of the Lands Valuation (Scotland) Act, 1854, shall from and after the fifteenth day of August in the year in which such roll shall be made up, and subject always to such alterations as may be afterwards made thereon in terms of said last-mentioned Act, be received and taken as *prima facie* proof that the gross yearly rent or value of any subjects specified in such valuation roll is, and has been for the year from the fifteenth day of May in such year, of the amount set forth for the time in such valuation roll, and also as *prima facie* proof that the persons therein set forth as proprietors, tenants, and occupants respectively have, for the period to which such valuation applies, been such proprietors, tenants, and occupants respectively, as therein stated: Provided always, that it shall be competent to prove to the satisfaction of any sheriff or court of appeal under this or the said first-recited Act that any such subjects are or have been of a greater or of a less annual value than the value stated in such valuation roll: Provided further, that it shall be competent, in any appeal under this or the first-recited Act from any court of registration to any court of appeal, to refer to and found upon any valuation roll, notwithstanding that such valuation roll may not have been produced in such court of registration.

MANUAL, s. 13.

**18. TOWN CLERKS TO TRANSMIT ABSTRACTS OF LISTS OF CLAIMS AND OBJECTIONS TO SHERIFFS.**—Each town clerk shall on the [<sup>1</sup>twenty-fifth] day of September in each year, or as soon thereafter as possible, transmit an abstract of the said several lists of claimants and lists of persons objected to in his burgh to the sheriff of the county, indicating the number of claims and objections to be disposed of by him in such burgh.

<sup>1</sup> *Substituted for "first" by 31 & 32 Vict. c. 48, s. 20.*

MANUAL, s. 43.

**19. SHERIFFS COURTS FOR REVISING REGISTERS—TOWN CLERKS TO ADVERTISE BURGH REGISTRATION COURTS.**—Every sheriff shall between the [<sup>1</sup>twenty-fifth] day of September and the [<sup>1</sup>sixteenth] day of October in each year revise the <sup>2</sup>register of voters of the county and the lists of the several burghs thereof, and for this purpose shall hold open courts during the said period, as prescribed in the said recited Act; and shall

on or before the first day of September in each year, or as soon thereafter as possible, deliver to the sheriff clerk of the county and to the town clerk of each such burgh a written notice of the days, within the period above mentioned, on which he is to hold such courts; and such town clerk shall forthwith cause public notice of such burgh registration courts to be given by advertisement in one or more newspapers circulating within such burgh, and shall cause a copy of such notice, written or printed, to be delivered to the assessors of such burgh, and shall require them to attend at the courts therein appointed for the revision of such lists of voters.

<sup>1</sup> *Substituted for "first" by 31 & 32 Vict. c. 48, s. 20.*

<sup>2</sup> *The word "list" should be substituted for "register of voters" as more in accordance with the terms of this Act.*

MANUAL, ss. 43 and 45.

**20. TOWN CLERKS AND ASSESSORS TO ATTEND BURGH REGISTRATION COURTS.**—The town clerk of every burgh and all assessors of the same, shall attend the courts to be holden by the sheriff for such burgh; and the town clerk shall at the first court deliver to the sheriff the list of voters; that is to say, the list first made out by such assessors, and the lists of claimants and of persons objected to in the then current year, relating to such burgh, and also . . . one or more printed copies of the register of voters then in force; and the said assessors shall deliver to the sheriff the original notices of claim and objection; and the person having the custody of the valuation roll then in force shall have the same on the table of the registration court; and the town clerk and assessors respectively shall produce all documents, papers, and writings in their power touching any matter necessary for revising any list of voters; and every such sheriff shall have the power to require any person having the custody of any valuation roll to attend before him, and to produce the valuation roll, and he shall attend and produce accordingly.

*S. 20 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

MANUAL, s. 46.

**21. CLAIMANTS OMITTED IN LISTS BY ASSESSORS MAY BE ENTERED BY SHERIFF, IF HE IS SATISFIED AS TO THEIR RIGHT TO BE ENTERED.**—If any person who shall have given to the assessor due notice of his claim to have his name inserted in the list of persons entitled to vote in the election of a member to serve in Parliament for such burgh shall have been omitted by such assessor from such list, the sheriff shall, on the revision of such list, insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such sheriff



that such person is, and was on the last day of July last preceding, entitled to be inserted therein, in respect of the qualification described in such notice of claim.

MANUAL, s. 48.

**22. BUT SUCH CLAIMANTS MAY BE OBJECTED TO, ON NOTICE GIVEN TO THE SHERIFF.**—It shall be lawful for any person whose name shall be on any list of voters for any burgh to oppose the claim of any person to have his name inserted in the list of voters for the same burgh ; and such person intending to oppose any such claim shall, in the court to be holden as aforesaid for the revision of such list, and before the hearing of the said claim, give notice in writing to the sheriff of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities, as to costs, appeals, and other matters relating to the hearing and determination of the said claim, as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices in terms of this Act.

MANUAL, s. 48.

**23. SHERIFFS TO REVISE AND CORRECT LISTS.**—The sheriff shall correct any mistake which shall be proved to him to have been made in any list, and shall expunge the name of every person whose qualification, as stated in any list, shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead; and if in entering the name and qualification of any voter anything requiring to be specified be omitted, or if any description be insufficient for identification, such sheriff shall expunge the name of every person so entered, unless the matter so omitted or insufficiently described be supplied to his satisfaction before he shall have completed the revision of the list ; and such sheriff shall in open court write his initials against the names respectively expunged or inserted, and against any part of the said lists in which any mistake shall have been corrected, or any omission supplied, or any insertion made by him.

MANUAL, ss. 46, 48, and 50.

**24. SHERIFFS MAY GRANT WARRANT TO CITE PARTIES, WITNESSES, AND HAVERS, AND DILIGENCE FOR RECOVERY OF WRITINGS.**—It shall at all times be competent to any sheriff or to any sheriff substitute acting under the first-recited Act or this Act, upon ex parte application made to him to that effect,



by any claimant, objector, or appellant, to grant warrant to cite parties, witnesses, and havers, and to grant diligence for the recovery of writings, with reference to any claim, objection, or appeal to be discussed before any registration court to be holden by such sheriff or his substitute, or before any court of appeal . . . ; and such warrants of citation and diligence shall be equally valid as if granted by such sheriff or sheriff substitute in the course of any ordinary or summary process or procedure before him ; and shall be valid notwithstanding that the appeal court to which such citation or diligence refers be holden without the limits of the ordinary jurisdiction of such sheriff.

*S. 24 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

MANUAL, s. 48.

**25. ADJOURNMENT OF COURTS.**—Every sheriff holding any court under this or the first-recited Act shall have power to adjourn the same from time to time, but so that no such adjourned court shall be holden after the [<sup>1</sup>fifteenth day of October] in any year ; and at all courts, . . . any sheriff holding such court, . . . shall have power to administer an oath to all persons examined before such court ; and all parties, whether claiming or objecting or objected to, and all persons whatsoever, may be examined upon oath touching the matters in question ; and every person taking any oath under this or the first-recited Act who shall wilfully swear falsely shall be deemed guilty of perjury, and shall be liable to be punished accordingly.

<sup>1</sup> *Substituted for “thirtieth day of September” by 31 & 32 Vict. c. 48, s. 20.*

*S. 25 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

MANUAL, s. 45.

**26. ON COMPLETION OF REVISION, LISTS OF VOTERS TO BE DELIVERED TO TOWN CLERK.**—On the revision of the lists of voters for any burgh in any year being completed by the sheriff in terms of this Act, such sheriff shall forthwith, and at latest on the [<sup>1</sup>sixteenth] day of October in such year, deliver the same to the town clerk of such burgh ; and such town clerk shall retain the same in his possession, . . .

<sup>1</sup> *Substituted for “first” by 31 & 32 Vict. c. 48, s. 20.*

*S. 26 in part rep. 38 & 39 Vict. c. 66 (S.L.R.), and 55 & 56 Vict. c. 19 (S.L.R.).*

MANUAL, s. 50.

**27.** Rep. 38 & 39 Vict. c. 66 (S.L.R.).

**28.** Rep. 55 & 56 Vict. c. 19 (S.L.R.).

**29. BURGH LISTS TO BE PRINTED AND DELIVERED TO SHERIFF.**—The town clerk of every burgh shall forthwith after the [<sup>1</sup>fifteenth day of October] in each year, or sooner if the registration court shall be earlier concluded, cause the lists of voters for such burgh, signed as aforesaid, to be copied and printed in a book, arranged in wards (where the burgh is divided into wards), and in polling districts; each ward or polling district being arranged, as far as conveniently may be, in the alphabetical order of the surnames of the persons registered as voters, or otherwise as far as conveniently may be, in the alphabetical order of streets, squares, lanes, and other places in which houses are distinguished by numbers, and in which the subjects of qualification are situated; and each such street, square, lane, and other place being arranged according to the numbers of the houses; and the arrangement in all <sup>2</sup>places in which the houses are not distinguished by numbers being according to the alphabetical order of the surnames of persons registered as voters; and the said book shall be so arranged and printed, that the list of voters of and for each and every separate ward, and each and every separate polling district, may be cut out or detached, and ready for the purposes of this Act, or for sale as aforesaid; and the said town clerk [*shall forthwith after the twenty-first day of October in each year make all such corrections and alterations on the said book as may be necessary to give effect to all decisions of the court of appeal, and—Rep. 31 & 32 Vict. c. 48, s. 20*] shall prefix to every name in the said register book its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name; and shall cause the said book to be printed off, as so corrected; and the said town clerk shall sign the said book so completed, and deliver the same, on or before the thirty-first day of October, to the sheriff of the county, to be by him kept for the purposes herein-after and in the said first-recited Act mentioned.

<sup>1</sup> Substituted for “thirtieth day of September” by 31 & 32 Vict. c. 48, s. 20.

<sup>2</sup> This arrangement applies to counties. See 24 & 25 Vict. c. 83, s. 10.

MANUAL, s. 50.

**30. LISTS SO PRINTED TO BE THE REGISTER OF VOTERS FOR ONE YEAR.**—The said printed book or books so signed as aforesaid by the town clerk of any burgh and delivered to the sheriff shall be the register of persons entitled to vote at any election of a member to serve in Parliament which shall take place in and for the same burgh between the thirty-first day of October in the year wherein such register shall have been made and the first day of November in the succeeding year; and the town clerk of every burgh shall keep printed copies of such register for such

burgh, and shall deliver copies thereof or of any part thereof to any person applying for the same, upon payment of a price after the rate contained in the table number 2 of the schedule B. hereunto annexed: Provided always, that no person shall be entitled to a copy of any part of any register relating to any ward, or polling district of a burgh, without taking or paying for the whole that relates to such ward or polling district respectively; . . . Provided further, that any merely clerical error which may be found to exist in any such printed book may be competently corrected at any time by the sheriff of the county, on its being proved to him to exist; and such correction shall be made by the sheriff writing such correction on such printed book, and signing his name and the date of such correction against the same.

*S. 30 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

MANUAL, s. 50.

**31. REGISTER OF VOTERS TO BE IN FORCE TILL NEW REGISTER ESTABLISHED.**—Every register of voters established or that shall be established for any burgh shall continue to be the register for such burgh until the same shall be revised, and a new register shall be completed, pursuant to this Act.

**32.** Rep. 38 & 39 Vict. c. 66 (S.L.R.), and 63 & 64 Vict. c. 49, s. 3.

**33.** Rep. 38 & 39 Vict. c. 66 (S.L.R.).

**34. DISTANCE OF SEVEN MILES, PRESCRIBED BY 2 & 3 WILL. 4, C. 65, AS TO RESIDENCE OF BURGH VOTERS, HOW TO BE MEASURED.**—The distance of seven statute miles in the first-recited Act mentioned, and therein prescribed, as to the residence of voters for any burgh, shall be understood to be the distance of seven miles as measured in a straight line on the horizontal plane from any point from which such distance is to be measured according to the direction in that behalf given in the said Act: Provided always, that in cases where there is now or shall hereafter be a map of any burgh, and of the country surrounding the same, drawn or published under the authority and direction of the principal officers of Her Majesty's Ordnance, such distance may be measured and determined by the said map.

MANUAL, s. 17.

**35. WHEN THE LAST-NAMED DAY FOR DOING ANY ACT IS A SUNDAY, THE DAY AFTER SHALL BE THE LAST DAY.**—When any

of the days on which or before which any acts and proceedings are by this or the first-recited Act appointed to be transacted shall happen to be a Sunday, then and in that case the several acts and proceedings appointed to take place on or before such day shall take place on or before the day next ensuing.

MANUAL, ss. 41 and 44.

**36. AGENTS AND MANDATORIES MAY ACT FOR PARTIES.—**

Any claim, objection, notice of appeal, or other writ may be signed, and any proceeding under this Act may be prosecuted, by any person as agent or mandatory for the party thereto; and any mandate bearing to be signed by such party shall be *primâ facie* a sufficient mandate; and every such mandate shall have all the privileges attaching to any judicial mandate.

MANUAL, s. 41.

**37. NO WRITTEN PLEADINGS TO BE ALLOWED; BUT SHERIFF SHALL NOTE NAMES OF WITNESSES, AND SIGN DEEDS PRODUCED.—**No written pleadings shall in any case be allowed in support of any claim or objection or title to be registered; and it shall not be necessary for the sheriff to make a note of any statement or plea submitted to him in the registration court, but he shall make a note of the names of the witnesses, and shall affix his signature to any deeds, writings, or documents produced in the registration court in support of any claim, objection, or title to be registered; . . .

*S. 37 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

MANUAL, s. 48.

**38. PENALTY ON PERSONS NOT ATTENDING REGISTRATION OR APPEAL COURTS WHEN REQUIRED.—**Any person who shall wilfully refuse or neglect, when duly required by any sheriff . . . , to attend as a witness or a haver before such sheriff . . . at any court to be holden under this or the first-recited Act, shall be liable to pay, by way of fine, for every such offence, a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of such sheriff . . .

*S. 38 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

**39. COSTS OF RESISTING FRIVOLOUS OBJECTIONS.—**It shall be competent to every sheriff . . . to award expenses against any party maintaining any merely frivolous objection to the registration of any voter, or to his title to remain on the register; and such expenses may be recovered in like manner as any expenses

of suit awarded by any sheriff in an ordinary action; and all witnesses and havers who may be cited as such, under the provisions of this Act, shall have the same title to demand from the party citing them or causing them to be cited as such witnesses or havers their reasonable expenses, as any witness or haver cited as such to any ordinary civil court.

*S. 39 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

MANUAL, s. 48.

**40. PENALTIES ON ASSESSORS AND TOWN CLERKS FOR NEGLIGENCE OF DUTY.**—Any assessor who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who in making out any list of voters shall wilfully, and without any reasonable cause, omit the name of any person duly qualified to be inserted in such list, or who shall wilfully, and without any reasonable cause, insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice, or list, or copy of any register of voters, at the time and in the manner required by this Act; and any town clerk who shall culpably neglect to print a correct register of voters pursuant to this Act, and any assessor or town clerk who shall be wilfully guilty of any other breach of duty in the execution of this Act, shall for every such offence be liable to pay, by way of fine, a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of the sheriff . . . : Provided always, that nothing herein contained as to any fine as aforesaid shall affect or abridge any right of action against any assessor or other person liable to any fine as aforesaid, or any liability such assessor or other person may incur under or by virtue of this or the first-recited Act.

*S. 40 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

**41. PAYMENT AND APPLICATION OF PENALTIES.**—Every sheriff . . . , when and so often as such sheriff . . . shall impose any such fine as aforesaid, shall at the same time in open court, by an order in writing stating the sum payable for such fine, direct by and to whom and when the same shall be paid; and the person to whom the said sum shall be so ordered to be paid shall receive the same; and in every case where the offence for which such fine shall have been imposed shall relate to the formation of the register of voters for any burgh, he shall pay over the sum so received by him to the assessor for the purposes of this Act.

*S. 41 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

**42. ACCOUNTS TO BE KEPT OF MONIES RECEIVED UNDER THIS ACT.**—The town clerk of every burgh shall keep an account of



all monies received by him for or on account of the sale of any copies of the register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the assessor for the purposes of this Act; and in like manner every assessor shall keep an account of the monies received by him from the sale of any lists or otherwise under this Act, and shall account for and pay over the same, for the purposes of this Act, to the assessor specially appointed as aforesaid.

**43. EXPENSES OF ANNUAL REGISTRATIONS, HOW TO BE DEFRAYED**—17 & 18 VICT. C. 91.—As soon as may be after the completion of each annual registration under this Act, the magistrates of each burgh shall cause an account to be made up of the costs and expenses attending such annual registration in such burgh, and shall ascertain and fix the just amount thereof, including therein any remuneration to assessors and town clerks respectively which they may deem proper; and shall also cause an account to be made up of all monies which shall have come to the hands of the assessor or other person under this Act, for the purposes of this Act, and shall ascertain and fix the just amount thereof; and where the amount of the costs and expenses so ascertained and fixed shall exceed the amount so ascertained and fixed of the monies received for the purposes of this Act, the said magistrates shall cause the amount of such excess to be apportioned upon the parishes within such burgh, according to the yearly rent or value thereof, and the same shall be assessed and levied along with the assessment for the relief of the poor for the current year within such parishes respectively, or they shall cause the amount of such excess, along with such reasonable sum as they may deem necessary to meet the expenses of collection, to be assessed and levied and collected in some other of the modes allowed by the Lands Valuation (Scotland) Act, 1854; and any balance of funds remaining on hand from time to time in any burgh arising from such assessment under this Act in any one year, after answering the expenses of the year with reference to which such assessment was imposed, may be retained and applied by the magistrates thereof, in such manner as they may deem fit, for defraying the expenses of registrations under this Act in subsequent years, but for no other uses or purposes whatever: Provided always, that no burgh shall be liable under this Act for any expenses heretofore defrayed in Exchequer, or which, under the provisions of this Act, may come in lieu of such expenses.

*NOTE.*—The corresponding section in the *County Voters Act, 1861*, is section 41, which is repealed, but to which reference is made as explaining the above section.

**44. REGISTER TO BE CONCLUSIVE EVIDENCE OF QUALIFICATION.**—At every future election for a member or members to



serve in Parliament for any burgh or district of burghs, the register of voters so made as aforesaid or under the said recited Act shall be deemed and taken to be conclusive evidence that the persons therein named continue to have the qualifications which are annexed to their names respectively in the register in force at such election, and such persons shall not be required to take the oath of possession.

MANUAL, s. 50.

**45. SHERIFFS, &C., WILFULLY CONTRAVENING THIS ACT TO BE LIABLE IN ACTION OF DEBT.**—Every sheriff, town clerk, assessor, or other person or public officer required by this Act to do any matter or thing, shall, for every wilful contravention or wilful act of commission or omission contrary to this Act, forfeit to any party aggrieved the penal sum of one hundred pounds, or such less sum as the jury before whom may be tried any action to be brought for the recovery of the before-mentioned sum shall consider just to be paid to such party, to be recovered by such party, with full expenses of process, by action for debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any remedy or action against any returning officer according to any law now in force.

**46. MISNOMERS NOT TO PREVENT THE OPERATION OF THIS ACT.**—No misnomer or inaccurate or defective description of any person, place, or thing named or described in any schedule to this Act annexed, or in any list or register of voters, or in any notice required by this Act, shall in any way prevent or abridge the operation of this Act with respect to such person, place, or thing, provided that such person, place, or thing, shall be so denominated in such schedule, list, register, or notice, as to be commonly understood; and it shall be lawful to any sheriff in his registration court, or to any court of appeal, if it shall appear to him or to such court that there has been no wilful purpose to mislead or deceive, or that such misnomer or inaccurate or defective description was not such as to mislead or deceive, to allow any verbal, clerical, or casual error in any such schedule, list, register, or notice to be corrected or supplied.

MANUAL, ss. 44, 46, and 60.

**47. Rep. 38 & 39 Vict. c. 66 (S.L.R.).**

**48. INTERPRETATION—17 & 18 VICT. C. 91.**—The following words and expressions, when used in this Act, shall in the construction thereof be interpreted as follows, except when the nature of the provision or the context shall exclude or be repugnant to the said construction; (that is to say,) the expression “the assessor” shall mean the assessor of the burgh in and for

which he is assessor, appointed under the Lands Valuation (Scotland) Act, 1854, being also the assessor specially appointed in terms of this Act, where such last-mentioned appointment has been made; the word<sup>1</sup> “assessors” shall mean the assessor or assessors appointed under the said last-mentioned Act of the burgh in and for which such assessor or assessors act, whether specially appointed under this Act or not; the word “burgh” shall extend to and include any city, burgh, or town entitled as such by the first-recited Act to send or to contribute to send a member or members to serve in Parliament and as the same is limited and bound by the said first-recited Act; the word “magistrates” shall include magistrates and council; the words “oath of possession” shall mean and include the words, “that I am still proprietor (or occupant) of the property for which I am so registered, and hold the same for my own benefit, and not in trust for or at the pleasure of any other person”; the words<sup>2</sup> “town clerk” shall extend and apply to any person executing the duties of such town clerk, or if in any burgh there shall be no such officer as town clerk, then to any officer executing the same or the like duties as usually devolve upon the town clerk, or if in any burgh there be no such person, then to<sup>3</sup> such person as the sheriff of the county in which such burgh is situate may appoint for that purpose, which he is hereby authorised to do.

<sup>1</sup> See 24 & 25 Vict. c. 83, s. 2.

<sup>2</sup> For definition of “sheriff clerk” see *ibid*.

<sup>3</sup> It is thought that the concluding clause of the above section would apply in counties if there was not a sheriff clerk or some one acting as such.

## SCHEDULES to which the foregoing Act refers.

### SCHEDULE A.

NOTE.—With exception of the matters referred to in the footnotes to Schedules Nos. 1, 2, 3, and 6, the substitution of the word “county” for the word “burgh” is all that is required in applying these forms to counties.

#### No. 1.

#### Sect. 2.

*The List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of*

First Polling District.

Second Ward.

Regent Street.

No. in street.	Christian name and surname of each voter at full length.	Occupation.	Place of abode	Nature of qualification.

## Alphabetical List.

Christian name and surname of each voter at full length.	Place of abode.	Occupation.	Nature of qualification.	Street, lane, or other place, where property is situate.

(Signed) A.B.,  
Assessor of the Burgh of .

NOTE.—Counties are divided into polling districts and subdivided into parishes, and the voters are arranged alphabetically in each parish: 24 & 25 Vict. c. 83, s. 8.

MANUAL, ss. 37, 38, and 39.

No. 2.

Sect. 3.

*Forms of Notice of Claim to be given to Assessors.*

To the Assessor of the Burgh of .

I hereby give you notice, that I claim to have my name inserted in the list of persons entitled to vote in the election of a member (or members) for the Burgh of , and that the particulars of my qualification are stated in the columns below.

Dated the       day of       , in the year 185 .

(Signed) C.D.

Christian name and surname of claimant at full length.	Place of abode.	Occupation.	Nature of qualification.	Street, lane, or other place, where the property is situate, and number of the house (if any).

NOTE.—In counties an extra column is added giving the parish in which the subjects are situated: 24 & 25 Vict. c. 83, Schedule C. No. 1.

MANUAL, s. 40.

No. 3.

Sect. 3.

Burgh of .  
List of persons claiming to have their names inserted in the

list of persons entitled to vote in the election of a member (or members) of Parliament for the Burgh of .

First Polling District.

Second Ward.

Regent Street.

No. in street.	Christian name and surname of each claimant at full length.	Occupation.	Place of abode.	Nature of the supposed qualification.

### Alphabetical List.

Christian name and surname of each claimant at full length.	Place of abode.	Occupation.	Nature of qualification.	Street, lane, or other place, where property is situate.

(Signed) A.B.,  
Assessor of the Burgh of .

NOTE.—In counties the claimants are arranged alphabetically in parishes, and an extra column is added to the list giving the parish in which the subjects are situated : 24 & 25 Vict. c. 83, s. 10, and Schedule B. No. 2.

MANUAL, s. 43.

No. 4.

Sect. 4.

*Form of Notice of Objection to be given to Assessors.*

To the Assessor of the Burgh of .

I hereby give you notice, that I object to the name of A.B., who is described as follows, (*here insert the entry applicable to such person in the assessor's list of voters,*) being retained in the list of persons entitled to vote in the election of a member (or members) for the Burgh of .

Dated this            day of            185 .

(Signed) E.F.  
(Place of abode).

See 24 & 25 Vict. c. 83, Schedule C. 2.

MANUAL, s. 42.

No. 5.

Sect. 4.

*Form of Notice of Objection to be given to Parties objected to.*

Burgh of .

To Mr. .

Take notice, that I object to your name being retained on the list of persons entitled to vote in the election of members (or a member) for the Burgh of .

Dated this       day of       185 .

(Signed)       *E.F.*

(Place of abode).

*See 24 & 25 Vict. c. 83, Schedule C. 3.*

MANUAL, s. 42.

No. 6.

Sect. 5.

*List of Persons objected to, to be published by the Assessors.*

Burgh of .

The following persons have been objected to as not being entitled to have their names retained in the list of persons qualified to vote in the election of a member (or members) for the Burgh of :—

First Polling District.

Second Ward.

Regent Street.

No. in street.	Christian name and surname of each person objected to.	Place of abode.	Occupation.	Nature of the supposed qualification.

## Alphabetical List.

Christian name and surname of each person objected to.	Place of abode.	Occupation.	Nature of the supposed qualification.	Street, lane, or other place, where the property is situate.

(Signed) A.B.,  
Assessor of the Burgh of .

NOTE.—In counties the persons objected to are arranged alphabetically in parishes, and an extra column is added to the list giving the parish in which the subjects are situated: 24 & 25 Vict. c. 83, s. 22, and Schedule B. No. 3.

MANUAL, s. 43.

## SCHEDULE B.

No. 1.

Sects. 2, 5.

*Table of Rates of Payment to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.*

For any list, or copy of a list, containing any number of persons names :—

	s.	d.
Not exceeding 100 names . . . . .	0	6
Exceeding 100, and not exceeding 200 . . . . .	1	0
Exceeding 200, and not exceeding 300 . . . . .	1	6
Exceeding 300, and not exceeding 400 . . . . .	2	0
Exceeding 400 . . . . .	2	6

No. 2.

Sect. 30.

*Table of Rates of Payment to be demanded and paid for any Copy of a Register, or Part of any Register, where a Payment is required and authorized by this Act.*

For every copy of any register, or any parts of any register, containing any number of persons names :—

	s.	d.
Not exceeding 1000 names . . . . .	1	0
Exceeding 1000, and not exceeding 3000 . . . . .	2	6
Exceeding 3000, and not exceeding 6000 . . . . .	5	0
Exceeding 6000, and not exceeding 9000 . . . . .	7	6
Exceeding 9000 . . . . .	10	0



## 20 & 21 VICTORIA.

### CHAPTER LVIII.

#### THE LANDS VALUATION (SCOTLAND) ACT, 1857 (*Short Titles Act*, 1896).

AN ACT to amend the Act, Seventeenth and Eighteenth of Victoria, for the Valuation of Lands in Scotland.<sup>1</sup>  
[25th August 1857.]

<sup>1</sup> *This Act is rep. 30 & 31 Vict. c. 80, s. 11, in so far as necessary to give effect to the provisions of that Act.*

[*Preamble recites 17 & 18 Vict. c. 91.*]

1. APPOINTMENT OF OFFICERS OF INLAND REVENUE AS ASSESSORS.—It shall be lawful for the commissioners of supply of each county and the magistrates of each burgh in Scotland respectively, if they shall think fit, to appoint the officer or officers of Inland Revenue, having the survey of the income tax and assessed taxes within such county or burgh, to be the assessors or assessor for the purpose of the said Act; and such officer or officers when so appointed, as long as such appointments remain unrecalled, shall in all respects and for all the purposes aforesaid stand in the place of and shall have, use, exercise, and perform all the powers and duties of the person or persons whom the said Commissioners and magistrates respectively are authorized to appoint for the like purposes, under or by virtue of the third section of the said Act; and in such case the expense attending the making up of valuation rolls by such officer or officers shall be defrayed by the Commissioners of Inland Revenue, or as the Treasury shall direct in that behalf.

24 & 25 VICTORIA.

CHAPTER LXXXIII.

THE COUNTY VOTERS REGISTRATION (SCOTLAND) ACT, 1861.  
(Sect. 1.)

AN ACT to amend the Law regarding the Registration of  
County Voters in Scotland. [6th August 1861.]

[*Preamble recites 2 & 3 Will. 4, c. 65; 17 & 18 Vict. c. 91.*]

1. SHORT TITLE.—This Act may be cited for all purposes as  
“The County Voters Registration (Scotland) Act, 1861.”

2. INTERPRETATION OF TERMS.—The following words and  
expressions in this Act shall have the meanings hereby assigned  
to them respectively, unless there be something in the subject or  
context repugnant to such construction :

“Burgh” shall mean any royal burgh not contributing as a  
burgh to send a member to Parliament, but entitled  
under the second-recited Act to appoint a separate  
assessor :

“Assessor” shall mean the assessor of any county or burgh  
in and for which he is assessor appointed under the  
second-recited Act, or any assessor specially appointed  
under the provisions of this Act, where such last-  
mentioned appointment has been made :

“Sheriff” shall mean the sheriff of the county of which he is  
sheriff, and shall include sheriff substitute :

“Sheriff clerk” shall mean the sheriff clerk of the county of  
which he is sheriff clerk, and shall include any person  
discharging the duties of such sheriff clerk :

“Valuation roll” shall mean the valuation roll in force for  
the time for any county, made up under the authority  
of the second-recited Act, or any other Act relating to  
the valuation of lands and heritages in Scotland which  
may be in force for the time :

Where in this Act notice is required to be given by “special  
advertisement,” such notice shall be inserted once in  
at least two newspapers published in the county, or, if

there be no newspaper or only one newspaper published therein, in any newspaper or newspapers published in a county adjoining thereto :  
 “Proprietor” shall include life renter.

MANUAL, s. 13 (*d*).

3. CONSTRUCTION.—[*Repeal of provisions of 2 & 3 Will. 4, c. 65, as to forming registers of persons entitled to vote*] This Act shall be taken to be part of the said Act as fully as if it were incorporated therewith.

*S. 3 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

4. FUTURE VALUATION ROLLS OF COUNTIES OR BURGHS TO SET FORTH ADDITIONAL PARTICULARS, &c.—In any future valuation roll to be made up in any county or burgh under the provisions of the second-recited Act, or of any other Act in force for the time for the valuation of lands and heritages in Scotland, the assessor of every county or burgh shall, in addition to the particulars which are by the said Act required to be ascertained by him, and to be entered in such roll, ascertain and enter in such roll the amount of feu duty, ground annual, or other yearly consideration payable as a condition of his right by every proprietor of any lands or heritages entered in such roll as of the yearly rent or value of ten pounds or upwards, . . . and also the rent, calculated in terms of the ninth section of the first-recited Act, payable by every tenant holding any lands or heritages entered in such roll as of the yearly rent or value of ten pounds or upwards, under any lease originally granted for not less than fifty-seven years, exclusive of breaks ; and in order to the ascertainment of such particulars it shall be lawful for the assessor to call upon any proprietor or tenant for receipts or other written evidence of the amount of such feu duty, ground annual, or other consideration, or of such rent ; and such proprietor or tenant shall be bound to furnish and deliver such evidence to the assessor, under the same penalty in case of failure or of false statement as is provided in similar cases by the second-recited Act ; and it shall also be lawful for the assessor to exercise all the powers which under the second-recited Act he may lawfully exercise for the purposes thereof ; and when the proprietor is a married woman, the assessor shall further insert in such roll the name and designation of her husband.

*S. 4 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

MANUAL, s. 13 (*b*).

5. Rep. 48 & 49 Vict. c. 16, s. 3.

6. Rep. 55 & 56 Vict. c. 19 (S.L.R.).

**7. ASSESSORS TO BE NOMINATED SPECIALLY FOR THIS ACT.—**

If in any county there shall be more than one assessor in and for such county, or if there shall be a separate assessor for any burgh situate therein, then the Commissioners of Supply of the county shall, within three weeks after the passing of this Act, appoint one of such assessors to perform the duties herein-after imposed on such assessor under this Act, and give notice of such appointment by special advertisement; and failing such appointment and advertisement being duly made by the commissioners of supply, the same shall be made by the sheriff of the county within five weeks after the passing of this Act; and every such assessor so appointed shall from the date of his appointment be specially charged with all the duties incumbent on the assessor under this Act; and where in any county the assessor so appointed shall cease to hold office, the Commissioners of Supply shall within three weeks thereafter appoint another assessor to act as aforesaid, and shall give notice by special advertisement of such appointment as before provided; and in the event of such commissioners failing so to do, such appointment and advertisement shall be made by the sheriff of the county within five weeks after any assessor shall have ceased to hold office as aforesaid: Provided, that all other assessors in any county or burgh situate therein shall, in all matters relating to this Act, be subject to the orders of the assessors so to be appointed, and shall take instructions from him, and shall be bound to act on such instructions, so far as consistent with this Act.

**8. ASSESSOR TO MAKE OUT ANNUAL LIST OF VOTERS WHO HAVE DIED, &c., AND OF PERSONS WHO HAVE BECOME ENTITLED TO VOTE, &c.—**In every year the assessor shall make out . . . a list, arranged alphabetically in parishes, of all persons entered in the register of voters for the county who have died or become disqualified, and a like list of all persons who shall appear from the valuation roll to have become entitled to vote in the election of a member of Parliament for the county, . . . and shall cause a written or printed copy of such lists, or of such part thereof as relates to each parish in the county, to be affixed on the door of the church of such parish; . . .

*S. 8 in part rep. 38 & 39 Vict. c. 66 (S.L.R.), and 55 & 56 Vict. c. 19 (S.L.R.).*

MANUAL, ss. 37 and 39.

**9. Rep. 55 & 56 Vict. c. 19 (S.L.R.).**

**10. ASSESSOR TO MAKE UP AND PUBLISH LIST OF CLAIMS.—**In every year the assessor shall make up a list of the claims of which notice has been given to him, . . . with the names of the persons claiming arranged alphabetically in parishes, . . . and shall cause a written or printed copy of such list, or of such part

thereof as relates to each parish in the county, to be affixed on the door of the church of such parish; . . .

*S. 10 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

MANUAL, s. 43.

**11-21.** Rep. 55 & 56 Vict. c. 19 (S.L.R.).

**22.** LIST OF OBJECTIONS TO BE MADE UP BY ASSESSOR, &c.—In every year the assessor shall make up a list of the objections to claims of which notice has been given to him, arranged alphabetically in parishes, . . . and such list of objections shall be affixed, published, and open to inspection at the same places and during the same time as is herein-before provided with respect to the list of claims; . . .

*S. 22 in part rep. 55 & 56 Vict. c. 19 (S.L.R.).*

MANUAL, s. 43.

**23-40.** Rep. 55 & 56 Vict. c. 19 (S.L.R.).

**41.** EXPENSES OF ANNUAL REGISTRATION, HOW TO BE DEFRAYED.—*As soon as may be after the completion of each annual registration under this Act, the Commissioners of Supply of each county shall cause an account to be made up of the costs and expenses attending such annual registration in such county, and shall ascertain and fix the amount thereof, including therein the remuneration to assessors which they may deem proper, and shall also cause an account to be made up of all monies which shall have been received by the assessor under this Act for the purposes thereof; and where the amount of the costs and expenses so ascertained shall exceed the amount of the monies received for the purposes of this Act, the said commissioners shall cause the amount of such excess, along with such reasonable sum as they may deem necessary to meet the expenses of collection, to be assessed and levied on the lands and heritages within such county, exclusive of any lands and heritages within the Parliamentary bounds of any burgh returning or contributing to return a member to Parliament, according to the yearly rent or value of such lands and heritages, and to be collected along with any county rate for the current year; and any balance of funds remaining on hand from time to time in such county arising from such assessment under this Act in any year, after paying the expenses of the year with reference to which such assessment was imposed, may be retained and applied by the said commissioners in such manner as they think fit for defraying the expenses of registration under this Act in subsequent years, but for no other use or purpose whatever: Provided always, that no county shall be liable under this Act for any expenses heretofore defrayed in Exchequer, or which, under the provisions of this Act, may come in lieu of such expenses: Provided also, that nothing herein contained shall alter the provisions of an Act passed in the twentieth and twenty-first year of the reign of Her Majesty, chapter fifty-eight, to amend the second-recited Act.*

*S. 41 rep. 55 & 56 Vict. c. 19 (S.L.R.), but it is printed as explaining s. 43 of 19 & 20 Vict. c. 56.*

42. Rep. 31 & 32 Vict. c. 48, s. 54.

43. COUNTY VOTERS MAY BE TRANSFERRED FROM ONE POLLING DISTRICT TO ANOTHER.—Any person whose name shall appear in the register of voters for any parish in any county, and whose place of abode shall not be within the polling district at which such parish shall be allotted to poll, but within the same county, may claim before the sheriff to vote at the polling place of the district wherein his place of abode may be situate; and any person whose name shall appear in the register of voters for any county, and whose place of abode shall not be within the county, may in like manner claim to vote at the polling place of any district within such county; and every such person shall make such claim in writing under his hand, and such claim shall be delivered to and verified before the sheriff, and it shall be lawful for the sheriff, in his registration court, to insert in the register of voters in which the name of such person shall appear as aforesaid, against the name of such person, the name of the polling place at which such person shall be registered to vote; and such person so registered shall be admitted to vote at every election for the county at the said last-mentioned polling place, and not elsewhere, anything in the first-recited Act to the contrary notwithstanding.

MANUAL, s. 49.

44-45. Rep. 55 & 56 Vict. c. 19 (S.L.R.).

46. Rep. 38 & 39 Vict. c. 66 (S.L.R.).

### SCHEDULE (B).

#### FORMS OF LISTS.

No. 2.

County of

*List of Persons who have given Notice to the Assessor on or before the 25th Day of August 18 of Claims to be entered in the Register of Voters for the Election of a Member of Parliament for the County of*

(1) Parish of

Christian name and surname of each claimant at full length.	Place of abode.	Nature of qualification.	Place where property is situate.	Parish in which property is situate.

(Signed) A.B.,  
Assessor of the County of

MANUAL, s. 43.



## No. 3.

County of

*List of Persons objected to as not being entitled to have their Names entered or retained on the Register of Voters for the Election of a Member of Parliament for the County of*

Christian name and surname of each person objected to at full length.	Place of abode.	Nature of qualification.	Street, lane, or other place where the qualifying property is situate, &c.	Parish in which property is situate.

(Signed) A.B.,  
Assessor of the County of

MANUAL, s. 43.

## SCHEDULE (C).

## FORMS OF NOTICES.

## No. 1.

*Notice of Claim to be given to Assessor.*

*To the Assessor of the County of*

*I hereby give you Notice, That I claim to have my name entered in the Register of Voters for the Election of a Member of Parliament for the County of and that the Particulars of my Qualification are stated in the columns below.*

*Dated the Day of 18 (Signed) C.D.*

Christian name and surname of each claimant at full length.	Place of abode.	Nature of qualification.	Place where property is situate.	Parish in which property is situate.

MANUAL, s. 40.

## No. 2.

*Notice of Objection to be given to Assessor.*

*To the Assessor of the County of* .

*I hereby give you Notice, That I object to the name of the person named and described below being entered [or retained] in the Register of Voters for the County of* .

Christian name and surname of the person objected to at full length.	Place of abode.	Nature of qualification.	Street, lane, or other place where the qualifying property is situate, &c.	Parish in which property is situate.

*Dated the*

*Day of*

18 .

(Signed) *E.F.*

(Designation and Place of Abode.)

MANUAL, s. 42.

## No. 3.

*Notice of Objection to be given to Person objected to by any Person other than the Assessor.*

*County of*

*, Parish of* .

*To Mr.*

*of* .

*Take notice, That I object to your name being entered [or retained] in the Register of Voters for the County of* .

*Dated this*

*Day of*

18 .

(Signed) *E.F.*

(Designation and Place of Abode.)

MANUAL, s. 42.

NOTE.—The Schedules in this Act are repealed by 55 & 56 Vict. c. 19 (S.L.R.), but the above are printed as explaining the alterations required on the corresponding Schedules of 19 & 20 Vict. c. 56, in extending the same to counties.

31 & 32 VICTORIA.

CHAPTER XLVIII.

THE REPRESENTATION OF THE PEOPLE (SCOTLAND) ACT, 1868.  
(Sect. 1.)

AN ACT for the Amendment of the Representation of the  
People in Scotland. [13th July 1868.]

[*Preamble.*]

1. SHORT TITLE.—This Act shall be cited for all purposes as  
“The Representation of the People (Scotland) Act, 1868.”

2. EXTENT.—This Act shall apply to Scotland only, . . .  
*S. 2 in part rep. 56 Vict. c. 14 (S.L.R.).*

PART I.

FRANCHISES.

3. OCCUPATION FRANCHISE FOR VOTERS IN BURGHS.—  
Every man shall . . . be entitled to be registered as a voter, . . .  
at elections for a member or members to serve in Parliament  
for a burgh, who, when the sheriff proceeds to consider his right  
to be inserted or retained in the register of voters, is qualified  
as follows; that is to say,

1. Is of full age, and not subject to any legal incapacity; and
2. Is, and has been for a period of not less than twelve  
calendar months next preceding the last day of July,  
an inhabitant occupier, as owner or tenant, of any  
dwelling house within the burgh:

Provided, that no man shall under this section be entitled to be  
registered as a voter who at any time during the said period of  
twelve calendar months shall have been exempted from payment  
of poor rates on the ground of inability to pay; or who shall  
have failed to pay, on or before . . . the twentieth day of June  
in any . . . year, all poor rates (if any) that have become  
payable by him, in respect of said dwelling house or as an  
inhabitant of any parish in the said burgh, up to the preceding

fifteenth day of May ; or who shall have been in the receipt of parochial relief within the twelve calendar months next preceding the said last day of July : Provided also, that no man shall under this section be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling house.

*S. 3 in part rep. 56 Vict. c. 14 (S.L.R.).*

*S. 3 extended to counties, 48 & 49 Vict. c. 3, s. 7 (4) ; but see terms.*

MANUAL, ss. 25, 30, and 31.

4. LODGER FRANCHISE FOR VOTERS IN BURGHS.—Every man shall . . . be entitled to be registered as a voter . . . for a member or members to serve in Parliament for a burgh, who is qualified as follows: (that is to say,)

1. Is of full age, and not subject to any legal incapacity ; and
2. As a lodger has occupied in the same burgh, separately and as sole tenant, for the twelve months preceding the last day of July in any year, lodgings of a clear yearly value, if let unfurnished, of ten pounds or upwards ; and
3. Has resided in such lodgings during the twelve months immediately preceding the last day of July, and has claimed to be registered as a voter at the next ensuing registration of voters.

*S. 4 extended to counties, 48 & 49 Vict. c. 3, s. 7 (5). S. 4 in part rep. 56 Vict. c. 14 (S.L.R.).*

MANUAL, ss. 29, 30, and 40. ADD. NOTES, ss. 26 and 29.

5. OWNERSHIP FRANCHISE FOR VOTERS IN COUNTIES.—Every man shall . . . be entitled to be registered as a voter . . . at the election of a member or members to serve in Parliament for a county who, when the sheriff proceeds to consider his right to be inserted or retained on the register of voters, is qualified as follows ; that is to say,

1. Is of full age, and not subject to any legal incapacity ; and
2. Is, and has been for a period of not less than six calendar months next preceding the last day of July, the proprietor (whether he has made up his titles, or is infest, or not,) of lands and heritages, the yearly value of which, as appearing from the valuation roll of the county, shall be five pounds or upwards, after deduction of any feu duty, ground annual, or other annual consideration which he may be bound to pay or give or account for as a condition of his right, and after deduction of any annuity, life-rent provision, or such other annual burden.

*S. 5 in part rep. 56 Vict. c. 14 (S.L.R.).*

MANUAL, ss. 6, 8, 9, 11, 13, 14, 16, and 30.

ADD. NOTES, ss. 8, 18, 20, and 24.

**6. OCCUPATION FRANCHISE FOR VOTERS IN COUNTIES.**—Every man shall be entitled to be registered as a voter at elections for a member to serve in Parliament for a county, who, when the sheriff proceeds to consider his right to be inserted or retained in the register of votes, is qualified as follows; that is to say,

1. Is of full age, and not subject to any legal incapacity; and
2. Is, and has been during the twelve calendar months immediately preceding the last day of July, in the actual personal occupancy as tenant of lands and heritages within the county of the annual value of fourteen pounds or upwards, as appearing on the valuation roll of such county.

Provided that no man shall under this section be entitled to be registered who, at any time during the said period of twelve calendar months, shall have been exempted from payment of poor rates on the ground of inability to pay; or who shall have failed to pay, on or before . . . the twentieth day of June in any . . . year, all poor rates (if any) that have become payable by him in respect of said lands and heritages up to the preceding fifteenth day of May; or who shall have been in the receipt of parochial relief within twelve calendar months next preceding the said last day of July.

*S. 6 rep. by 48 & 49 Vict. c. 3, except in so far as it relates to the rights of parties saved by that Act (see s. 10 thereof), and except in so far as it is made applicable to any franchise thereby enacted (see ss. 5 and 7 (6) of Act): the proviso to s. 6 in part rep. by 56 Vict. c. 14 (S.L.R.).*

MANUAL, ss. 13 (f), 18, 24, 30, and 31.

**7. Rep. 56 Vict. c. 14 (S.L.R.).**

**8. ELECTORS EMPLOYED FOR REWARD AS AGENTS, &C., WITHIN SIX MONTHS OF AN ELECTION NOT TO VOTE.**—No elector who within six months before or during any election for any county or burgh shall have been retained, hired, or employed for all or any of the purposes of the election for reward by or on behalf of any candidate at such election as agent, canvasser, clerk, messenger, or in other like employment, shall be entitled to vote at such election; and if he shall so vote, he shall be guilty of a crime and offence.

## PART II.

### *Distribution of Seats.*

**9. NEW SEATS FOR THE UNIVERSITIES, FOR DUNDEE, AND FOR COUNTIES OF AYR AND ABERDEEN.**

*S. 9 in part rep. 56 Vict. c. 14 (S.L.R.); it is unnecessary to print the unrepealed portion.*

**10. COUNTIES OF SELKIRK AND PEEBLES TO BE UNITED, AND RETURN ONE MEMBER, AND NEW DISTRICT OF BURGHS IN SCHEDULE (A.) TO RETURN ONE MEMBER.**

*S. 10 in part rep. 56 Vict. c. 14 (S.L.R.); it is unnecessary to print the unrevoked portion.*

**11. CERTAIN COUNTIES NAMED IN SCHEDULE (B.) TO BE DIVIDED, AND EACH DIVISION TO RETURN ONE MEMBER.**

*It is unnecessary to print this section.*

**12. REGISTERS OF VOTERS TO BE FORMED FOR NEW BURGHS AND DIVISIONS OF COUNTIES.**—Registers of voters shall be formed . . . for and in respect of the divisions of counties constituted under this Act, in like manner as if such divisions had previously to the passing of this Act been separate counties returning members to serve in Parliament; and also for and in respect of the burghs constituted by this Act, in like manner as if before the passing of this Act they respectively had been burghs returning or contributing to return members to serve in Parliament.

*S. 12 in part rep. 38 & 39 Vict. c. 66 (S.L.R.).*

### PART III.

#### SUPPLEMENTAL PROVISIONS.

##### *Incidents of Franchise.*

**13. SUCCESSIVE OCCUPANCY.**—Different premises occupied in immediate succession by any person as owner or tenant during the twelve calendar months next previous to the last day of July in any year shall have the same effect in qualifying such person to vote for a burgh or county respectively as a continued occupancy of the same premises in the manner herein provided: And this provision shall apply to the successive occupancy of premises in counties of the annual value of fifty pounds and upwards, as well as to premises which for the first time under this Act afford the qualification for the franchise.

MANUAL, ss. 12, 21, 26, and 29. ADD. NOTES, s. 29.

**14. LIFERENTERS AND FIARS IN COUNTIES.**—In a county where two or more persons are interested as liferenter and as fiar in any lands and heritages to which a right of voting is for the first time attached by this Act, the right to be registered and to vote shall be in the liferenter, and not in the fiar: <sup>1</sup>and where any such lands and heritages shall be owned, held, or occupied by more



persons than one as joint-owners, whether in fee or in liferent, or as joint-tenants or joint-occupants of the same, as the case may be, each of such joint-owners shall be entitled to be registered and to vote, provided his share or interest in the said lands and heritages is of the annual value of five pounds as before specified, but not otherwise; and each of such joint-tenants and joint-occupants shall in like manner be entitled to be registered and to vote, provided the annual value of the said lands and heritages, as appearing on the valuation roll, held and occupied by them shall be sufficient, when divided by the number of such joint-tenants and joint-occupants, to give to each of them a sum of not less than fourteen pounds, but not otherwise: Provided always that no greater number of persons than two shall be entitled to be registered as joint-owners or joint-tenants of the same lands and heritages unless their shares or interests in the same shall have come to them by inheritance, marriage, marriage settlement, or mortis causa conveyance, or unless such joint-owners or joint-tenants shall be *bonâ fide* engaged as partners carrying on trade or business in or on such lands and heritages: Provided also, that husbands shall be entitled to be registered and to vote in respect of lands and heritages as aforesaid belonging, whether in fee or in liferent, to their wives, or owned or possessed by such husbands after the death of their wives by the courtesy of Scotland.

<sup>1</sup> The words in italics rep. by 56 Vict. c. 14 (S.L.R.), except in so far as regards the rights of persons "saved" by 48 & 49 Vict. c. 3, as to which see s. 10 of that Act.

MANUAL, ss. 9, 10 (c), and 20. ADD. NOTES, ss. 9 and 20.

#### *Valuation Rolls.*

15. Rep. 48 & 49 Vict. c. 3, s. 9 (6).

16. VALUATION ROLLS IN COUNTIES TO CONTAIN PARTICULARS OF YEARLY CONSIDERATION PAID BY PROPRIETORS OF LANDS ENTERED AS OF YEARLY VALUE OF L.5 OR UPWARDS.—In every future valuation roll to be made up in any county, the assessor, in addition to the particulars which by the Acts last mentioned<sup>1</sup> are required to be ascertained by him, shall also ascertain and enter in such roll the amount of feu duty, ground annual, rent, or other yearly consideration payable as a condition of his right by every proprietor of any lands or heritages entered in such roll as of the yearly rent or value of five pounds or upwards, . . . and in order to the ascertainment of the particulars herein-before specified, it shall be lawful for the assessor to call upon any proprietor or tenant for receipts or other written evidence of the amount of such feu duty, ground annual, or other consideration, and such proprietor or tenant shall be bound to furnish and deliver such evidence to the assessor, under the same penalty in case of failure or of false statement as is provided in similar cases by the Lands Valuation (Scotland) Act, 1854; and it shall also

be lawful for the assessor to exercise all the powers which, under the said Act, he may lawfully exercise for the purposes thereof.

*S. 16 in part rep. 48 & 49 Vict. c. 16, s. 3.*

<sup>1</sup> *I.e. the Valuation Acts mentioned in s. 15.*

MANUAL, s. 13 (b).

**17. PROVISION FOR CLAIMS TO BE REGISTERED BY PERSONS IMPROPERLY OR ERRONEOUSLY EXEMPTED FROM PAYMENT OF POOR RATES, AND OMITTED FROM LISTS OF VOTERS ON GROUND OF SUCH EXEMPTION.**—Where the name of any person, otherwise entitled to the franchise for any burgh or county, has in any year been omitted from the list of voters prepared by the assessor for such burgh or county on the ground that he has during the twelve calendar months preceding the last day of July in such year been exempted from payment of poor rates on account of inability to pay, it shall be competent for such person to give notice to such assessor of his claim to have his name entered in the register of voters for such burgh or county in the manner provided in the Registration Acts, and such claim shall be published and may be objected to in the manner provided in the said Acts: and the sheriff shall dispose of the said claim, and if it shall be proved to his satisfaction that the person claiming has been improperly or erroneously exempted from payment of the said poor rates, and that he has on or before . . . the twentieth day of June in any . . . year paid or tendered payment of the amount of poor rates from payment of which he was improperly or erroneously exempted as aforesaid, the sheriff shall insert the name of such person in the register of voters for the burgh or county, as the case may be; and the judgment of the sheriff sustaining or refusing the claim shall be liable to the appeal provided in the said Registration Acts; and generally the provisions of the said Acts shall apply to the claims mentioned in this section, and to all the proceedings following thereon.

*S. 17 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

MANUAL, ss. 40 and 50 (f).

**18. COLLECTORS OF POOR RATES IN CASE OF POOR RATES DUE FROM OCCUPIERS OF PREMISES TO WHICH A RIGHT OF VOTING IS ATTACHED BY THIS ACT REMAINING UNPAID, TO GIVE NOTICE TO SUCH OCCUPIERS—COLLECTOR WILFULLY NEGLECTING TO DO SO PUNISHABLE.**—Where any poor rate due from an occupier of premises to which a right of voting is for the first time attached by this Act remains unpaid on the fifteenth day of May in any year, the collector of poor rates for the parish in which such premises are situated shall on or before . . . the first day of June in any . . . year, unless such rate has previously

been paid, or has been duly demanded by a demand note served in like manner as the notice in this section referred to, give or cause to be given a notice in the form set forth in schedule (C.) to this Act to every such occupier. The notice shall be deemed to have been duly given if delivered to the occupier, or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable. Any collector of poor rate who shall wilfully withhold such notice, with intent to keep such occupier off the list or register of voters for the burgh or county, as the case may be, shall be deemed guilty of a crime and offence.

*S. 18 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

ADD. NOTES, s. 31.

*Registration of Voters.*

**19. REGULATIONS TO BE OBSERVED AS TO REGISTRATION OF VOTERS—APPLICATION OF REGISTRATION AND VALUATION ACTS—COLLECTORS OF POOR RATES TO SEND TO ASSESSORS LISTS OF OCCUPIERS EXEMPTED FROM PAYMENT OF POOR RATES, OR WHO HAVE NOT PAID RATES, OR WHO HAVE BEEN IN RECEIPT OF PAROCHIAL RELIEF—CLAIMS BY LODGERS IN BURGHS—PUBLICATION OF LISTS OF CLAIMANTS, &C.—RATES TO BE PAID FOR LISTS OR COPIES OF LISTS CONTAINING MORE THAN 5000 OR MORE THAN 10,000 NAMES.**—The following regulations shall be observed with respect to the registration of voters :

1. The Registration Acts shall apply to the registration of all persons on whom a right to be registered and to vote is conferred for the first time by this Act, in the same manner, and subject to the same regulations, as nearly as circumstances admit, in and subject to which they now apply to the registration of persons entitled at present to be registered and to vote ; and the said Acts, and also the Valuation Acts, shall apply to all burghs and divisions of counties on which the right of returning or contributing to return a member to serve in Parliament is by this Act conferred :
2. The collector of poor rates in each parish shall, on or before the . . . first day of July in any . . . year, deliver or send to the assessor for the burgh or county, as the case may be, a list in the form in the schedule (D.) hereunto annexed, or as near thereto as circumstances admit, and in the order as nearly as may be in which the names appear in the valuation roll of such burgh or county as the case may be, duly certified by him, of all occupiers of premises who have been, during the twelve calendar months preceding the last day of July in each year, exempted from payment of

poor rates on the ground of inability to pay, or who have failed to pay, on or before . . . the twentieth day of June in any . . . year, all poor rates (if any) that have become payable by them up to the preceding fifteenth day of May, or who have been in the receipt of parochial relief within the twelve calendar months next preceding the last day of July in such year; and the assessor shall be guided by the said lists (which shall be *prima facie* evidence of the correctness of the entries therein contained) in ascertaining the right of any person to be inserted or retained in the register of voters:

3. The claim of every person desirous of being registered as a voter for a member or members to serve for any burgh in respect of the occupation of lodgings shall be in the form No. 1 in schedule (I.), or to the like effect, and shall have annexed thereto a declaration in the form, and be certified in the manner, in the said schedule mentioned, or as near thereto as circumstances admit; and every such claim shall, after the last day of July and on or before the twenty-first day of September in any year, be delivered to the assessor of the burgh in which such lodgings shall be situate, and the particulars of such claim shall be duly published by such assessor on or before the twenty-fifth day of September next ensuing in a separate list, according to the form No. 2 in the said schedule (I.):
4. The provisions of the Registration Acts relating to the manner of publishing lists of claimants in burghs, and to the delivery of copies thereof to persons requiring the same, shall apply to every such claim and list; and the provisions of the same Acts with respect to the proof of the claims of persons omitted from the list of voters in burghs, and to objections thereto, and to the hearing thereof, shall, so far as the same are applicable, apply to claims and objections, and to the hearing thereof, under this section:
5. Wherever any list or copy of a list other than a register for which payment is required and authorized by the Act nineteenth and twentieth Victoria, chapter fifty-eight, shall contain any number of persons' names exceeding five thousand the rate to be demanded and paid therefor shall be five shillings, and for any such list or copy of such list containing any number of persons' names exceeding ten thousand the rate to be demanded and paid therefor shall be ten shillings.

*S. 19 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

MANUAL, ss. 37, 40, and 43.

20. Substitutes certain dates in 19 & 20 Vict. c. 58, ss. 2-6, 16, 18, 19, 25, 26, 29 : see those sections.

21. Rep. 56 Vict. c. 14 (S.L.R.).

22. APPEAL ON SPECIAL CASE AND CORRECTION OF REGISTER IN ACCORDANCE WITH DECISION.— . . . If any person whose name shall have been struck out of any register or list of voters by the sheriff, or who shall claim or object before the sheriff at any court, shall consider the decision of the sheriff on his case to be erroneous in point of law, he may, either himself or by some person on his behalf, in open court require the sheriff to state the facts of the case, and such question of law, and his decision thereon, in a special case, and the sheriff shall prepare and sign and date such special case, and deliver the same in open court to the sheriff clerk, or town clerk, as the case may be ; and such person, or some person on his behalf, may thereupon in open court declare his intention to appeal against the said decision, and may within ten days of the date of such special case lay a certified copy thereof before the Court of Appeal hereinafter constituted, for their decision thereon ; and the said court shall with all convenient speed hear parties and give their decision on such special case, and shall specify exactly every alteration or correction, if any, to be made upon the register in pursuance of such decision ; and the register shall be as soon as may be after the thirty-first day of October in each year altered accordingly by or at the sight of the sheriff ; and if it shall appear to the sheriff that his judgments respecting the qualifications of any two or more persons depend on the same question of law, he shall append to such special case the names of all such persons who have appealed against his judgment on their respective claims ; and the decision of the said court on such special case shall extend and apply to the qualifications of all such persons, in like manner as if a separate appeal had been taken in the case of each of them ; and the said court shall have power to award the costs of any appeal ; and the decision of the said court shall be final, and not subject to review by any court, or in any manner whatsoever : Provided always, that if the said court shall be of opinion that the statement of the matter of the appeal in any special case is not sufficient to enable them to give judgment in law, it shall be lawful for the said court to remit the said special case to the sheriff by whom it shall have been signed, in order that the same may be more fully stated.

*S. 22 in part rep. 56 Vict. c. 14 (S.L.R.).*

MANUAL, ss. 50, 58, 59, and 60.

23. CONSTITUTION OF COURT OF APPEAL.—The court for hearing appeals under the preceding section of this Act shall



consist of three judges of the Court of Session, to be named from time to time by act of sederunt of the said Court, one judge to be named from each division of the Inner House, and one from the Lords Ordinary in the Outer House; and it shall be competent from time to time by act of sederunt to supply any vacancy which may occur in such court, and to regulate the sittings and forms of process therein so as to carry out the provisions of this Act; and such acts of sederunt may be made, and such court may sit, either during the sitting of the Court of Session, or in vacation or recess; and the junior principal clerk of session shall be the clerk of such court.

MANUAL, s. 57.

*Places for Election and Polling Places.*

**24. PLACES FOR ELECTION AND RETURNING OFFICERS FOR NEW CONSTITUENCIES.**

*S. 24 in part rep. 35 & 36 Vict. c. 33, s. 22; it is unnecessary to print the unrepealed portion.*

**25. Rep. 46 & 47 Vict. c. 51, s. 66.**

**26. HIRING OF ROOMS FOR TAKING THE POLL.—**

*It is unnecessary to print this section.*

*Elections in Universities.*

**27–41. PERSONS ENTITLED TO VOTE AT ELECTIONS FOR UNIVERSITIES, AND REGULATIONS FOR THE REGISTRATION OF SUCH VOTERS AND FOR SUCH ELECTIONS.**

*It is unnecessary to print these sections.*

*Miscellaneous.*

**42. REGISTRATION WHERE COUNTIES ARE DIVIDED—EXPENSES OF SUCH REGISTRATION.**—Where any county has been divided for the purposes of this Act, the commissioners of supply of such county are hereby empowered to appoint the same assessor to make up the register of voters in both divisions of such county, or, if they shall think proper, to appoint separate assessors to make up the said register for each such division; but, until they shall otherwise determine, the assessor appointed for the purpose of making up the register for the undivided county shall continue to act as assessor for both the divisions of such county, and shall, as herein-before provided, make up a separate register for each of such divisions: Provided always,



that such assessors shall in all respects be deemed to be assessors appointed in terms of the County Voters Registration (Scotland) Act, 1861 : Provided also, that the expenses of registration shall be defrayed as at present by an assessment levied on the whole lands and heritages within the county, and not by an assessment levied separately on the lands and heritages within the divisions thereof respectively.

MANUAL, s. 50 (b).

43. Rep. 56 Vict. c. 14 (S.L.R.).

44. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).

45. GALASHIELS TO BE WHOLLY IN SELKIRKSHIRE.

*It is unnecessary to print this section.*

46. IN BURGHS WHERE THERE ARE NO MAGISTRATES, POLICE COMMISSIONERS SHALL APPOINT ASSESSORS.—In any burgh on which the right of contributing to return a member to serve in Parliament is for the first time conferred by this Act, and in which there are no magistrates elected in terms of the Royal Burghs (Scotland) Act, 1833, or the Parliamentary Burghs (Scotland) Act, 1833, the commissioners of police acting in such burgh under any general or local police Act shall appoint a suitable person to be the assessor in such burgh, and as such to make up a valuation roll of lands and heritages therein in terms of the Valuation Acts, and also to perform with reference to the registration of voters in such burgh all duties which by the Registration Acts can be imposed on assessors ; and all appeals against valuations made by such assessors shall be heard and determined by such commissioners, as the case may be, and the determination of such commissioners shall be dealt with in the same manner as the determinations of magistrates in existing royal or parliamentary burghs.

47. WHERE THERE IS NO TOWN CLERK, POLICE COMMISSIONERS OR SHERIFF SHALL APPOINT A PERSON TO ACT AS SUCH.—If in any such burgh there is no town clerk, it shall be the duty of the aforesaid commissioners of police, as soon as may be after the passing of this Act, to nominate and appoint a fit and proper person to perform the duties of town clerk in so far as regards the registration of voters, and the election of members to serve in Parliament ; and on every occasion of the person so appointed ceasing to act, such commissioners shall in like manner, within the period of three weeks thereafter, make a similar appointment ; and failing

such appointment being duly made by the said commissioners, such appointment shall be made by the sheriff of the county ; and every person so nominated and appointed shall, so long as he continues to act, be subject to the same disqualifications in regard to voting for or being elected a member of Parliament, or acting as agent for any candidate, to which town clerks are now subject by law ; and every such person shall be removeable at the pleasure of the said commissioners or sheriff respectively by whom he was appointed.

**48. EXPENSES OF VALUATION AND OF REGISTRATION OF VOTERS, AND REMUNERATION OF PERSON ACTING AS ASSESSOR AND TOWN CLERK TO BE ASSESSED ON THE BURGH.**—In every such burgh on which the right of contributing to return a member to serve in Parliament is for the first time conferred by this Act, an account of the costs and expenses attending the preparation of the valuation roll under the Valuation Acts, and also of the costs and expenses attending the annual registration of voters, shall be made up annually at the sight of the person or persons by whom the assessor for such burgh was appointed ; and such person or persons shall ascertain and fix the amount of such expenses, including therein the reasonable remuneration of the assessor, and of the town clerk, or of the person appointed to perform the duties of town clerk, where any such appointment has been made ; and the amount of all such expenses and remuneration shall be assessed and levied on and recovered from the same description of persons and property as the police rate within such burgh : Provided, that no person shall be liable to such assessment who is not a proprietor or occupier of a dwelling house or other lands and heritages within the burgh.

**49. CORRUPT PAYMENT OF RATES TO BE PUNISHABLE AS BRIBERY, ON PART OF BOTH PAYER AND VOTER.**—Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person either directly or indirectly paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly ; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

**50. DISQUALIFICATION IN COUNTIES BY RECEIPT OF PAROCHIAL RELIEF.**—The provision of the eleventh section of the Representation of the People (Scotland) Act, 1832,

disqualifying persons in receipt of parochial relief from being registered as voters, or voting for a burgh, shall apply to a county also; and the said provision of the said section shall be construed as if the word "county" were inserted therein before the word "city."

MANUAL, s. 31.

**51. MEMBER RETURNED AFTER ACCEPTING OFFICE OF PROFIT AS IN SCHEDULE (H.).**

*S. 51 in part rep. 56 Vict. c. 14 (S.L.R.); it is unnecessary to print the unrep. portion.*

**52. Rep. 38 & 39 Vict. c. 66 (S.L.R.).**

**53. NO PERSON TO VOTE FOR A COUNTY IN RESPECT OF PREMISES OWNED OR OCCUPIED WITHIN A BURGH CONSTITUTED BY THIS ACT.**—Nothing in this Act contained shall affect the rights of persons whose names are for the time being on the register of voters for any county in which the burghs constituted by this Act are situate to vote in any election for such county in respect of any vacancy that may take place before the summoning of a future Parliament; but after such summoning no person shall be entitled to be registered as a voter or to vote in any election for any county in respect of any premises owned or occupied by him within any burgh . . .

*S. 53 in part rep. 38 & 39 Vict. c. 60 (S.L.R.).*

**54. Rep. 35 & 36 Vict. c. 33, s. 32 (*temp.*).**

**55. RIGHT OF VOTING NOT TO BE AFFECTED BY DEPENDENCE OF APPEAL AT TIME OF ISSUE OF WRIT, AND ELECTION NOT TO BE AFFECTED BY SUBSEQUENT DECISION ON SUCH APPEAL.**—The right of voting at any election of a member or members to serve in Parliament for any county, burgh, or university shall not be affected by any appeal depending at the time of issuing the writ for such election, and it shall be lawful for every person whose name has been entered on the register of voters to exercise the right of voting at such election as effectually, and every vote tendered thereat shall be as good, as if no such appeal were depending; and the subsequent decision in any appeal which shall be depending at the time of issuing the writ for any such election shall not in any way whatever alter or affect the poll taken at such election, or the return made thereat by the returning officers.

**56. NEW FRANCHISES TO BE IN ADDITION TO EXISTING FRANCHISES—SAVING AND APPLICATION OF EXISTING LAWS, &C.**

—The franchises conferred by this Act shall be in addition to and not in substitution for any existing franchises, but so that no person shall be entitled to vote for the same place in respect of more than one qualification ; and, subject to the provisions of this Act, all laws, customs, and enactments now in force conferring any right to vote, or otherwise relating to the representation of the people in Scotland, and the registration of persons entitled to vote, shall remain in full force, and shall apply, as nearly as circumstances admit, to any person hereby authorized to vote, and shall also apply to any constituency hereby authorized to return or contribute to return a member or members to Parliament, as if it had heretofore returned or contributed to return such members to Parliament, and to the franchises hereby conferred, and to the registers of voters hereby required to be formed.

**57. WRITS, &C., TO BE MADE CONFORMABLE TO THIS ACT.**—All writs to be issued for the election of members to serve in Parliament, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, or relating to the registration of voters, shall be framed and expressed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

**58. CONSTRUCTION.**—This Act, so far as is consistent with the tenor thereof, shall be construed as one with the enactments for the time being in force relating to the representation of the people in Scotland, and with the Registration and Valuation Acts.

**59. INTERPRETATION.**—The following terms shall in this Act have the meanings herein-after assigned to them, unless there is something in the context repugnant to such construction ; (that is to say,)

“County” shall not include a county of a city, but shall mean any county or division of a county, or any combination of counties, or of counties and portions of counties, returning a member to serve in Parliament :

“Burgh” shall mean any city, town, burgh, or district of cities, towns, or burghs, returning a member or members to serve in Parliament :

“Dwelling house” shall include any part of a house occupied as a separate dwelling, and (in any parish in which poor rates are levied) the occupier of which is separately rated to the relief of the poor, either in respect thereof or as an inhabitant of such parish :

“Premises” shall in regard to burghs mean any dwelling

house ; and in regard to counties shall mean lands and heritages :

“The Registration Acts” shall mean the Burgh Voters Registration (Scotland) Act, 1856, and the County Voters Registration (Scotland) Act, 1861, and any other Acts or parts of Acts relating to the registration of persons entitled to vote at, and proceedings in, the election of members to serve in Parliament for Scotland :

“Proprietor” or “owner” shall include any person who shall hold under a lease for a period of not less than fifty-seven years, exclusive of breaks :

“The Valuation Acts” shall mean the Lands Valuation (Scotland) Act, 1854, the Lands Valuation (Scotland) Act, 1857, the Valuation of Lands (Scotland) Amendment Act, 1867, and any other Acts or parts of Acts relating to the valuation of lands and heritages in Scotland :

“Assessor” shall mean an assessor appointed under the Valuation Acts or any of them, or under the Registration Acts or any of them, or under this Act, as the case may be.

MANUAL, ss. 8, 12, 21 (*a*), and 26. ADD. NOTES, ss. 8, 18, 20, and 24.

## SCHEDULES.

SCHEDULE (A). Sect. 24.

### HAWICK DISTRICT.

It is unnecessary to print this.

SCHEDULE (B). Sect. 11.

### *Divisions of Counties.*

It is unnecessary to print this.

SCHEDULE (C). Sect. 18.

To *A.B.*  
County [*or* Burgh] of }

Take notice, that you will not be entitled to have your name inserted in the list of voters for this county [*or* burgh] now about to be made, in respect of the premises in your occupation in [*street or place*], unless you pay on or before the day of next all the poor rates which have become due from you in respect of such premises (*or as the case may be*) up to the fifteenth

day of May last, amounting to £                   ; and if you omit to make such payment you will be incapable of being entered on the next register of voters for this county [*or burgh*].

Dated the                    day of                    18   .

*C.D.*, Collector of poor rate  
for Parish of                    .

ADD. NOTES, s. 31.

SCHEDULE (D).

Sect. 19.

County [*or Burgh*] of                    .  
Parish of                    .

I,                   , Collector of poor rates for the parish of                   , do hereby certify that the following persons in the said parish have been exempted from poor rates therein during the twelve months preceding the thirty-first day of July on the ground of inability to pay; or have failed on or before the                    day of                    to pay all poor rates (if any) that have become payable by them up to the preceding fifteenth day of May; or have been in the receipt of parochial relief within the twelve calendar months next preceding the said thirty-first day of July.

Christian name and surname at full length.	Profession, trade, or calling.	Place of abode, with number of house, name of street, &c. (if any).	State whether "exempted," "failed to pay," or "in receipt of relief."

Given under my hand, this                    day of                    18   .

MANUAL, s. 37.

SCHEDULES (E) and (F).                    Sects. 29 and 31.

*These refer solely to Universities, and it is unnecessary to print them.*

SCHEDULE (G).

Rep. 56 Vict. c. 14.

SCHEDULE (H).

Sect. 51.

*Offices of Profit referred to in this Act.*

It is unnecessary to print this.



## SCHEDULE (I).

## Sect. 19.

## FORM No. 1.

*Claim of Lodger.*

Burgh of .

To the Assessor of the Burgh of .

I hereby claim to be inserted in the list of voters in respect of the occupation of the under-mentioned lodgings, and the particulars of my qualification are stated in the columns below.

Christian name and surname at full length.	Profession, trade, or calling.	Description of lodgings.	Description of house or houses in which lodgings situate, with number, if any, and name of street.	Name, description, and residence of persons or person to whom rent paid.

I, the above-named , hereby declare that I have been during the twelve months immediately preceding the last day of July in this year the occupier as sole tenant of the above-mentioned lodgings, and that I have resided therein during the twelve months immediately preceding the said last day of July; and that such lodgings are of a clear yearly value, if let unfurnished, of ten pounds or upwards.

Dated the                      day of                      .

*Signature of Claimant* .Witness to the signature of the said }  
And I certify my belief in the accu- }  
racy of the above claim. }*Name of Witness* .*Residence and calling* .

This claim must bear date the first day of August, or some day subsequent thereto, and must be delivered to the assessor after the last day of July, and on or before the twenty-first day of September.

MANUAL, s. 40.

## FORM NO. 2.

*List of Claimants in Respect of Lodgings to be published  
by the Assessors.*

The following persons claim to have their names inserted in the list of persons entitled to vote in the election of a member [or members] for the City or Burgh of .

Christian name and surname of each claimant at full length.	Profession, trade, or calling.	Description of lodgings.	Description of house in which lodgings situate, with number, if any, and name of street.	Name, description, and residence of landlord or other person to whom rent paid.

(Signed) A.B., Assessor of .

MANUAL, s. 43.

NOTE.—In counties to which the lodger franchise and relative forms have been extended by 48 & 49 Vict. c. 3, the word “county” is substituted for “city” or “burgh,” and an extra column is added between the two last columns for specification of the parish in which the lodgings are situated; this applies both to claims and lists of claimants.

33 & 34 VICTORIA.

CHAPTER XIV.

THE NATURALIZATION ACT, 1870. (Sect. 1.)

AN ACT to amend the Law relating to the legal condition of Aliens and British Subjects. [12th May 1870.]

*Preamble.*

1. SHORT TITLE.—The Act may be cited for all purposes as “The Naturalization Act, 1870.”

*Status of Aliens in the United Kingdom.*

2. CAPACITY OF AN ALIEN AS TO PROPERTY. — Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject ; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject : Provided,—

- (1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise :
- (2.) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him :
- (3.) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

3. POWER OF NATURALIZED ALIENS TO DIVEST THEMSELVES OF THEIR STATUS IN CERTAIN CASES.—Where Her Majesty has

entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person being originally a subject or citizen of the state referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the state to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows; that is to say,—If the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

#### 4. HOW BRITISH-BORN SUBJECT MAY CEASE TO BE SUCH.—

Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign state a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

. . . . .

#### *Expatriation.*

6. CAPACITY OF BRITISH SUBJECT TO RENOUNCE ALLEGIANCE TO HER MAJESTY.—Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign state and not under any disability voluntarily become naturalized in such state, shall from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject and to be regarded as an alien; Provided—

- (1.) That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign state and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration herein-after referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect:
- (2.) A declaration of British nationality may be made, and the oath of allegiance be taken as follows; that is to say,—if the declarant be in the United Kingdom in the presence of a justice of the peace; if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorised by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

*Naturalization and Resumption of British Nationality.*

7. CERTIFICATE OF NATURALIZATION.—An alien who, within such limited time before making the application herein-after mentioned as may be allowed by one of Her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of Her Majesty's Principal Secretaries of State for a certificate of naturalization.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining the certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

#### 8. CERTIFICATE OF RE-ADMISSION TO BRITISH NATIONALITY.

—A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of Her Majesty's Principal Secretaries of State for a certificate, herein-after referred to as a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. The said Secretary of State shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of re-admission to British nationality has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject; with this qualification, that within the limits of the foreign state of which he became a subject he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty to that effect.



The jurisdiction by this Act conferred on the Secretary of State in the United Kingdom in respect of the grant of a certificate of re-admission to British nationality, in the case of any statutory alien being in any British possession, may be exercised by the governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

. . . . .

MANUAL, s. 30.      ADD. NOTES, s. 30.

35 & 36 VICTORIA.

CHAPTER LXII.

THE EDUCATION (SCOTLAND) ACT, 1872. (Sect. 80.)

AN ACT to amend and extend the Provisions of the Law of Scotland on the subject of Education. [6th August 1872.]

1. INTERPRETATION.—In this Act the following words and terms shall have the meanings hereby assigned to them, viz. :

“Parish” shall mean any parish which does not wholly consist of a burgh or part of a burgh within the meaning of this Act, and shall include any school district formed under this Act :

“Burgh” shall mean any royal burgh, and any burgh or town returning or contributing as a burgh to return a member to Parliament, and shall include every town, whether a burgh or not, specified in the schedule of towns appended to this Act :

MANUAL, s. 35.

8. ELECTION OF SCHOOL BOARDS.—Within twelve months after the passing of this Act a school board shall be elected in and for each and every parish and burgh, in accordance with the provisions of this Act.

MANUAL, s. 35.

9. AREA OF A PARISH AND AREA OF A BURGH.—The area of a parish shall for the purposes of this Act be exclusive of the area of any burgh or part of a burgh situated therein for which a school board is required to be elected, and the area of every such burgh shall for the purposes of this Act be taken to be the limits within which the municipal, or where there are no municipal, then within which the police assessments thereof are levied ; and any question or dispute regarding the area of any parish or burgh for the purposes of this Act shall be settled by the Board of Education, or by the sheriff of the county in which the same or the greater part thereof is situated, on an application

by the school board authorized by the Board of Education, and the determination of the Board of Education or of the sheriff, as the case may be, shall be final.

MANUAL, s. 35.

**10. UNITED PARISHES.**—When two or more parishes or parts of parishes are now united, whether quoad omnia or quoad sacra, such united parishes or parts of parishes shall for the purposes of this Act be esteemed one parish.

MANUAL, s. 35.

. . . . .

**17. AS TO SMALL PARISHES AND SCHOOL DISTRICTS.**—If the Board of Education are of opinion that any parish is too small, or contains too few inhabitants to be entitled to act as a separate parish for the purposes of this Act, they may by order direct that it shall for the purposes of this Act be added to an adjacent parish, and thereupon it shall for these purposes be deemed to be part of the parish to which it is so added. It shall be lawful for any two or more school boards of adjoining parishes, with the consent and approbation of the sheriff of the county in which such parishes or any of them are situated to separate and detach from the parishes of which they are the school boards, such portion or portions of such parishes respectively as they shall deem it expedient to unite together and form into a school district and to form the same into a school district accordingly.

MANUAL, s. 35.

**18. ELECTION OF A SCHOOL BOARD IN A BURGH FOR WHICH A SCHOOL BOARD HAS NOT PREVIOUSLY BEEN ELECTED.**—It shall be lawful for the Board of Education at any time, but not after the lapse of three years after the passing of this Act, and from time to time thereafter, to order that a school board shall be elected for any burgh or town for which a school board has not previously been elected, and to frame and issue all proper rules and directions for carrying such order into execution, and from and after the period specified in the order such burgh or town shall, according to the limits thereof as specified in said order, cease for the purposes of this Act to be included in the area of the parish in which it is situated, and shall be esteemed to be a burgh within the meaning and for the purposes of this Act, and a school board shall be elected therefor accordingly in pursuance of the order.

MANUAL, s. 35.

**19. PARISH SCHOOL BOARD MAY INCLUDE BURGH SCHOOL BOARD—TIME FOR MAKING SUCH ALTERATIONS.**—It shall be lawful for the Board of Education at any time, but not before the lapse of three years after the passing of this Act, and from time to time thereafter, to order that any burgh or town for which a school board has been elected shall, from and after a time to be specified in such order, cease to have a separate school board, and shall for the purposes of this Act be included in the area of the parish in which it is situated, and be subject to the school board of such parish. Any order made by the Board of Education in pursuance of the powers conferred by this and the two preceding sections shall, when no urgent reason to the contrary exists, be so framed as to come into operation at the next ensuing general election of a school board for the locality in which it is to have effect.

MANUAL, s. 35.

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## SCHEDULE B.

### *General Rules respecting Election of Members of a School Board subsequent to the First Election.*

1. The number of members of the school board shall be such number not less than five nor more than fifteen as may be determined by the Scotch Education Department with respect to each parish and burgh, and, within the said limits, the number of the members of any school board may before any triennial election be changed by the said Department.

2. The electors shall consist of all persons being of lawful age, and not subject to any legal incapacity, whose names are entered on the latest valuation roll applicable to the parish or burgh for which the board is to be elected, made up and completed not less than one month prior to the election, as owners or occupiers of lands or heritages of the annual value of not less than four pounds, situated within such parish or burgh, and the valuation roll, or a certified copy thereof, shall be conclusive evidence that the persons therein named had, and continue to have, the qualifications annexed to their names respectively in the said roll.

3. The chairman of the school board shall be the returning officer, and failing him, some person appointed by the school board.

4. <sup>1</sup> *The election shall be held at such times, and in such manner, and in accordance with such rules and directions as the Scotch Education Department may from time to time by order prescribe, and the Scottish Education Department may, by order, appoint or direct the*

*appointment of any officers requisite for the purpose of such election, and do all other necessary things preliminary or incidental to such election.*

<sup>1</sup> *Rep. by 41 & 42 Vict. c. 78, s. 26, and schedule to that Act substituted therefor.*

5. All expenses incident to the election of a school board (but not including the expenses of any candidate) in any parish or burgh shall be paid by the said school board out of the school fund.

6. At every election every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate or may distribute them among the candidates as he sees fit.

MANUAL, ss. 35, 36, and 54. ADD. NOTES, ss. 35 and 54.

41 & 42 VICTORIA.

CHAPTER V.

THE HOUSE OCCUPIERS DISQUALIFICATION REMOVAL  
(SCOTLAND) ACT, 1878. (Sect. 1.)

AN ACT to relieve certain Occupiers of Dwelling-houses in Scotland from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their under-letting such Dwelling-houses for short terms.

[18th March 1878.]

*[Preamble narrates that questions have arisen upon the occupation required by s. 3 of 31 & 32 Vict. c. 48.]*

MANUAL, s. 29 (*e*).

1. SHORT TITLE.—This Act shall be cited for all purposes as the House Occupiers Disqualification Removal (Scotland) Act, 1878.

2. LETTING AS FURNISHED HOUSE FOR CERTAIN PERIODS NOT TO DISQUALIFY.—Every man shall be entitled to be registered and to vote under the provisions of the said section, notwithstanding that during a part of the qualifying period not exceeding four months in the whole, he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person.

MANUAL, s. 27 (*d*).



41 & 42 VICTORIA.

CHAPTER LXXVIII.

THE EDUCATION (SCOTLAND) ACT, 1878. (Sect. 1.)

AN ACT to further amend the provisions of the Law of Scotland on the subject of Education ; and for other purposes connected therewith. [16th August 1878.]

24. REMOVAL OF DOUBT AS TO RIGHT OF CERTAIN SCHOOL-MASTERS TO THE FRANCHISE.—Whereas doubts have arisen as to the right of a teacher of a public school under a school board, who holds office at the pleasure of the board, and who occupies as part of the emoluments of his office, lands, and heritages under the school board, to be registered as a voter and to vote at elections for a member or members to serve in Parliament in respect of the qualification afforded by such lands and heritages : And whereas it is expedient that such doubts should be removed, be it enacted, that it shall be no objection to the name of any such teacher being placed on the register of voters for the burgh or county within which such lands and heritages are situate, that the lands and heritages occupied by him, and on which his claim to the franchise rests, are held as part of the emoluments of his office, and at the pleasure of the school board : Provided, that the rental of such lands and heritages, according to the valuation roll, shall be of sufficient annual value to qualify a voter.

MANUAL, ss. 9 and 15 (*d*).

25. SCHOOL BOARD TO HAVE ACCESS TO VALUATION ROLL FREE OF CHARGE.—The clerk of supply of a county or town clerk of a burgh or other officer who shall have in his possession or under his control any valuation roll shall at all times give, free of charge, reasonable access to such roll, either in his official chambers or where no such chambers are provided in such public place as the sheriff shall appoint, to the clerk or other person or persons appointed by the school board of any parish within such county or of such burgh for the purpose of making a copy of such roll or of any entries therein.

ADD. NOTES, s. 54.

**26. AMENDMENT OF 35 & 36 VICT. c. 62, SCH. B.**—The principal Act shall be construed as if there were substituted for the rule numbered four in Schedule B. to the principal Act the rule in the schedule to this Act.

MANUAL, s. 35.

**27. EFFECT OF SCHEDULES.**—The schedules to the principal Act and to this Act shall be of the same force as if they were enacted in these Acts respectively.

. . . . .

**29. UNION OF SCHOOL BOARD.**—It shall be lawful for the Scotch Education Department at any time after the passing of this Act, upon the application of the school board of any parish in which no school has been erected by such board, and of the school board of any adjoining burgh, to order, that from and after the period specified in the order such parish shall cease, for the purposes of the principal Act and this Act, to be a parish, and shall be esteemed to be a part of such burgh within the meaning and for the purposes of the principal Act and this Act, and a school board shall be elected therefor in pursuance of the order, and the Scotch Education Department shall frame and issue all proper rules and directions for carrying such order into execution.

MANUAL, s. 35.

**30. EXTENSION OF BURGHS FOR MUNICIPAL PURPOSES NOT TO ALTER SCHOOL BOARD AREAS UNLESS OTHERWISE ORDERED BY SCOTCH EDUCATION DEPARTMENT.**—Where by any local Act, or under the powers of any public general Act, the area of any burgh shall hereafter be extended for municipal or police purposes, such extension shall not alter for the purposes of the principal Act or this Act the area of such burgh, or the area of any parish from which any district shall be taken for such extension; and the valuation roll of such extended burgh, so far as it relates to such district, shall, for the purposes of the principal Act and this Act, be held to be a part of the valuation roll of the county applicable to such parish, unless and until such district be annexed to the said burgh for those purposes in manner hereinafter mentioned: Provided always, that the Scotch Education Department may at any time, after due inquiry, order such district to be annexed to such burgh for the purposes of the principal Act and this Act, upon such terms and subject to such arrangements as the said department may determine.

MANUAL, s. 35.

## SCHEDULE.

## Sect. 26.

The triennial election of a school board for any parish or burgh shall be held at such time and in such manner and in accordance with such regulations as the Scotch Education Department may from time to time by order prescribe ; and the Scotch Education Department may by order appoint or direct the appointment, and make regulations as to the duties, remuneration, and expenses, of any officers requisite for the purpose of such election, and make regulations respecting all other necessary things preliminary or incidental to such election, and revoke or alter any previous order.

MANUAL, s. 35.

43 & 44 VICTORIA.

CHAPTER VI.

THE HOUSE OCCUPIERS IN COUNTIES DISQUALIFICATION  
REMOVAL (SCOTLAND) ACT, 1880. (Sect. 1.)

AN ACT to amend the Representation of the People (Scotland)  
Act, 1868. [19th July 1880.]

*[Preamble narrates that questions have arisen upon the occupation of  
houses in counties required by s. 6 of 31 & 32 Vict. c. 48.]*

1. SHORT TITLE.—This Act shall be cited for all purposes  
as the House Occupiers in Counties Disqualification Removal  
(Scotland) Act, 1880.

2. LETTING AS FURNISHED HOUSE FOR CERTAIN PERIOD NOT  
TO DISQUALIFY.—Every man shall be entitled to be registered  
and to vote under the provisions of the said section, notwithstanding that during a part of the qualifying period, not exceeding four months in the whole, he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person.

MANUAL, s. 24 (*d*).

46 & 47 VICTORIA.

CHAPTER LI.

THE CORRUPT AND ILLEGAL PRACTICES PREVENTION  
ACT, 1883. (Sect. 65.)

AN ACT for the better prevention of Corrupt and Illegal Practices at Parliamentary Elections.<sup>1</sup> [25th August 1883.]

<sup>1</sup> *This Act, which by s. 70 was of temporary duration, has been continued by the Expiring Laws Continuance Acts.*

4. PUNISHMENT OF CANDIDATE FOUND, ON ELECTION PETITION, GUILTY PERSONALLY OF CORRUPT PRACTICES.—Where upon the trial of an election petition respecting an election for a county or borough the election court, by the report made to the Speaker in pursuance of section eleven of the Parliamentary Elections Act, 1868, reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the House of Commons for the said county or borough, and if he has been elected, his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted on an indictment of a corrupt practice.

MANUAL, s. 30.

6. PUNISHMENT OF PERSON CONVICTED ON INDICTMENT OF CORRUPT PRACTICES.—(1.) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a misdemeanor, and on conviction on indictment shall be liable to be imprisoned, with or without hard labour, for a term not exceeding one year, or to be fined any sum not exceeding two hundred pounds.

(2.) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, shall be guilty of felony, and any person convicted thereof on indictment shall be punished by imprisonment for a term not exceeding two years, together with hard labour.

(3.) A person who is convicted on indictment of any corrupt practice shall (in addition to any punishment as above provided) be not capable during a period of seven years from the date of his conviction :—

(a.) Of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this Act ; or

(b.) Of holding any public or judicial office within the meaning of this Act, and if he holds any such office the office shall be vacated.

(4.) Any person so convicted of a corrupt practice in reference to any election shall also be incapable of being elected to and of sitting in the House of Commons during the seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.

MANUAL, s. 30.

**10. PUNISHMENT ON CONVICTION OF ILLEGAL PRACTICE.**—A person guilty of an illegal practice, whether under the foregoing sections or under the provisions hereinafter contained in this Act, shall on summary conviction be liable to a fine not exceeding one hundred pounds and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this Act) held for or within the county or borough in which the illegal practice has been committed.

MANUAL, s. 30.

**11. REPORT OF ELECTION COURT RESPECTING ILLEGAL PRACTICE, AND PUNISHMENT OF CANDIDATE FOUND GUILTY BY SUCH REPORT.**—[*Recital.*]

Sub-section fourteen of section eleven of the Parliamentary Elections Act, 1868, shall apply as if that sub-section were herein re-enacted with the substitution of illegal practice within the meaning of this Act for corrupt practice ; and upon the trial of an election petition respecting an election for a county or borough, the election court shall report in writing to the Speaker the



particulars required by the said sub-section as herein re-enacted, and shall also report whether any candidate at such election has been guilty by his agents of any illegal practice within the meaning of this Act in reference to such election, and the following consequences shall ensue upon the report by the election court to the Speaker; (that is to say),

- (a.) If the report is that any illegal practice has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough for seven years next after the date of the report, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice; and
- (b.) If the report is that a candidate at such election has been guilty by his agents of any illegal practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough during the Parliament for which the election was held, and if he has been elected, his election shall be void.

*S. 11 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

MANUAL, s. 30.

### 38. HEARING OF PERSON BEFORE HE IS REPORTED GUILTY OF CORRUPT OR ILLEGAL PRACTICE, AND INCAPACITY OF PERSON REPORTED GUILTY.

(5.) Every person who after the commencement of this Act is reported by an election court or election commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty: Provided that a report of any election commissioners inquiring into an election for a county or borough shall not avoid the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

MANUAL, s. 30.

**39. LIST IN REGISTER OF VOTERS OF PERSONS INCAPACITATED FOR VOTING BY CORRUPT OR ILLEGAL PRACTICES.**—(1.) The registration officer in every county and borough shall annually make out a list containing the names and description of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough respectively, are not capable of voting by reason of having after the commencement of this Act been found guilty of a corrupt or illegal practice on conviction or by the report of any election court or election commissioners whether under this Act, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list (in this Act referred to as the corrupt and illegal practices list) the offence of which each person has been found guilty.

(2.) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say,

(a.) If he is the registration officer of a county, in that county, or in any borough in that county; and

(b.) If he is the registration officer of a borough, in the county in which such borough is situate, or in any borough in that county.

(3.) The registration officer shall send the list to the overseers of every parish within his county or borough, together with his precept, and the overseers shall publish the list together with the list of voters, and shall also, in the case of every person in the corrupt and illegal practices list, omit his name from the list of persons entitled to vote, or, as circumstances require, add “objected” before his name in the list of claimants or copy of the register published by them, in like manner as is required by law in any other cases of disqualification.

(4.) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

(5.) The revising barrister shall determine such claims and objections and shall revise such list in like manner as nearly as circumstances admit as in the case of other claims and objections, and of any list of voters.

(6.) Where it appears to the revising barrister that a person not named in the corrupt and illegal practices list is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list and expunge his name from any list of voters.

(7.) A revising barrister in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or not been guilty of any corrupt or illegal practice.

(8.) The corrupt and illegal practices list shall be appended to the register of electors, and shall be printed and published therewith wherever the same is printed or published.

MANUAL, ss. 39, 40 (a), 46, and 50. ADD. NOTES, s. 39.

64. GENERAL INTERPRETATION OF TERMS.—In this Act, unless the context otherwise requires—

The expression “election” means the election of a member or members to serve in Parliament:

The expression “election petition” means a petition presented in pursuance of the Parliamentary Elections Act, 1868, as amended by this Act:

The expression “election court” means the judges presiding at the trial of an election petition, or, if the matter comes before the High Court, that Court:

The expression “Election Commissioners” means commissioners appointed in pursuance of the Election Commissioners Act, 1852, and the enactments amending the same:

The expression “elector” means any person whose name is for the time being on the register roll or book containing the names of the persons entitled to vote at the election with reference to which the expression is used:

The expression “register of electors” means the said register roll or book.

#### *Application of Act to Scotland.*

68. APPLICATION OF ACT TO SCOTLAND.—This Act shall apply to Scotland, with the following modifications:—

(1.) The following expressions shall mean as follows:

The expression “revising barrister” shall mean sheriff:

The expression "registration officer" shall mean an assessor under the enactments relating to the registration of parliamentary voters :

(12.) The provision with respect to the registration officer sending the corrupt and illegal practices list to overseers and the dealing with such list by overseers shall not apply, and in lieu thereof it is hereby enacted that the assessor shall in counties include the names of such persons in the list of persons who have become disqualified, and in boroughs shall omit the names of such persons from the list of persons entitled to vote.

ADD. NOTES, s. 39.

46 & 47 VICTORIA.

CHAPTER LVI.

THE EDUCATION (SCOTLAND) ACT, 1883. (Sect. 1.)

AN ACT to amend the Laws relating to Education in Scotland, and for other purposes connected therewith.

[25th August 1883.]

**13. PROVISIONS FOR COMBINATION SCHOOL.**—Where the Scotch Education Department are of opinion that it would be expedient that two or more school boards, whether of parishes or burghs or parishes and burghs, should combine for the purpose of providing or maintaining and keeping efficient a school or schools common to such parishes or burghs or parishes and burghs, they may, after such inquiry and notice as shall seem proper, send the said school boards a requisition requiring them to combine for the purpose of providing or maintaining, and keeping efficient such school or schools, upon terms and conditions set forth in such requisition; and the said school boards shall comply with such requisition without undue delay, and if they fail they may be summarily compelled to do so by the Court of Session, on a petition and complaint at the instance of the Lord Advocate; and for the more efficient and economical working of this Act in those districts which have no public school or schools in their own district, the Scotch Education Department shall have power to combine under one board such district or districts with an adjoining district, whether burghal or landward, or partly burghal and partly landward, upon such terms and conditions as may seem to such department reasonable.

MANUAL, s. 35.

48 & 49 VICTORIA.

CHAPTER III.

THE REPRESENTATION OF THE PEOPLE ACT, 1884. (Sect. 1.)

AN ACT to amend the Law relating to the Representation of the People of the United Kingdom. [6th December 1884.]

*Preliminary.*

1. SHORT TITLE.—This Act may be cited as the Representation of the People Act, 1884.

*Extension of the Household and Lodger Franchise.*

2. UNIFORM HOUSEHOLD AND LODGER FRANCHISE.—A uniform household franchise and a uniform lodger franchise at elections shall be established in all counties and boroughs throughout the United Kingdom, and every man possessed of a household qualification or a lodger qualification shall, if the qualifying premises be situate in a county in England or Scotland, be entitled to be registered as a voter, and when registered to vote at an election for such county, and if the qualifying premises be situate in a county or borough in Ireland, be entitled to be registered as a voter, and when registered to vote at an election for such county or borough.

MANUAL, ss. 25 and 29.

3. TENURE OF HOUSE BY OFFICE OR SERVICE NOT TO INVALIDATE VOTE.—Where a man himself inhabits any dwelling-house by virtue of any office, service or employment, and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment, he shall be deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling-house as a tenant.

MANUAL, s. 28.

*Prohibition of Multiplication of Votes.*

4. RESTRICTION ON FAGGOT VOTES.—Subject to the saving in this Act for existing voters, the following provisions shall have effect with reference to elections :



- (1.) A man shall not be entitled to be registered as a voter in respect of the ownership of any rentcharge except the owner of the whole of the tithe rentcharge of a rectory, vicarage, chapelry, or benefice to which an apportionment of tithe rentcharge shall have been made in respect of any portion of tithes.
- (2.) Where two or more men are owners either as joint tenants or as tenants in common of an estate in any land or tenement, one of such men, but not more than one, shall, if his interest is sufficient to confer on him a qualification as a voter in respect of the ownership of such estate, be entitled (in the like cases and subject to the like conditions as if he were the sole owner) to be registered as a voter, and when registered to vote at an election.

Provided that where such owners have derived their interest by descent, succession, marriage, marriage settlement, or will, or where they occupy the land or tenement, and are bonâ fide engaged as partners carrying on trade or business thereon, each of such owners whose interest is sufficient to confer on him a qualification as a voter shall be entitled (in the like cases and subject to the like conditions as if he were sole owner) to be registered as a voter in respect of such ownership, and when registered to vote at an election, and the value of the interest of each such owner where not otherwise legally defined shall be ascertained by the division of the total value of the land or tenement equally among the whole of such owners.

MANUAL, ss. 8 (*h*), 10, 11, 12 (*e*), and 20.

ADD. NOTES, ss. 8 and 20.

*Assimilation of Occupation Qualification.*

5. ASSIMILATION OF OCCUPATION QUALIFICATION.—Every man occupying any land or tenement in a county or borough in the United Kingdom of a clear yearly value of not less than ten pounds shall be entitled to be registered as a voter and when registered to vote at an election for such county or borough in respect of such occupation subject to the like conditions respectively as a man is, at the passing of this Act, entitled to be registered as a voter and to vote at an election for such county in respect of the county occupation franchise, and at an election or such borough in respect of the borough occupation franchise.

MANUAL, ss. 7, 9, 11, 13, 18, 20, 21, 22, and 24.

ADD. NOTES, ss. 11 and 20.

*Supplemental Provisions.*

**6. VOTER NOT TO VOTE FOR COUNTY IN RESPECT OF OCCUPATION OF PROPERTY IN BOROUGH.**—A man shall not by virtue of this Act be entitled to be registered as a voter or to vote at any election for a county in respect of the occupation of any dwelling-house, lodgings, land, or tenement, situate in a borough.

**7. DEFINITION OF HOUSEHOLDER AND LODGER QUALIFICATION AND OTHER FRANCHISES, AND APPLICATION OF ENACTMENTS RELATING THERETO.**—(1.) In this Act the expression “a household qualification” means, as respects England and Ireland, the qualification enacted by the third section of the Representation of the People Act, 1867, and the enactments amending or affecting the same, and the said section and enactments, so far as they are consistent with this Act, shall extend to counties in England and to counties and boroughs in Ireland.

(2.) In the construction of the said enactments, as amended and applied to Ireland, the following dates shall be substituted for the dates therein mentioned, that is to say, the twentieth day of July for the fifteenth day of July, the first day of July for the twentieth day of July, and the first day of January for the fifth day of January.

(3.) The expression “a lodger qualification” means the qualification enacted, as respects England, by the fourth section of the Representation of the People Act, 1867, and the enactments amending or affecting the same, and as respects Ireland, by the fourth section of the Representation of the People (Ireland) Act, 1868, and the enactments amending or affecting the same, and the said section of the English Act of 1867, and the enactments amending or affecting the same, shall, so far as they are consistent with this Act, extend to counties in England, and the said section of the Irish Act of 1868, and the enactments amending or affecting the same, shall, so far as they are consistent with this Act, extend to counties in Ireland; and sections five and six and twenty-two and twenty-three of the Parliamentary and Municipal Registration Act, 1878, so far as they relate to lodgings, shall apply to Ireland, and for the purpose of such application the reference in the said section six to the Representation of the People Act, 1867, shall be deemed to be made to the Representation of the People (Ireland) Act, 1868, and in the said section twenty-two of the Parliamentary and Municipal Registration Act, 1878, the reference to section thirteen of the Parliamentary Registration Act, 1843, shall be construed to refer to the enactments of the Registration Acts in Ireland relating to the making out, signing, publishing, and otherwise dealing with the list of voters, and the reference to the Parliamentary Regis-

tration Acts shall be construed to refer to the Registration Acts in Ireland, . . . and the word "overseers" shall be construed to refer in a county to the clerk of the peace, and in a borough to the town clerk.

(4.) The expression "a household qualification" means, as respects Scotland, the qualification enacted by the third section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or affecting the same, and the said section and enactments shall, so far as they are consistent with this Act, extend to counties in Scotland, and for the purpose of the said section and enactments the expression "dwelling-house" in Scotland means any house or part of a house occupied as a separate dwelling, and this definition of a dwelling-house shall be substituted for the definition contained in section fifty-nine of the Representation of the People (Scotland) Act, 1868.

(5.) The expression "a lodger qualification" means, as respects Scotland, the qualification enacted by the fourth section of the Representation of the People (Scotland) Act, 1868, and the enactments amending or affecting the same, and the said section and enactments, so far as they are consistent with this Act, shall extend to counties in Scotland.

(6.) The expression "county occupation franchise" means, as respects England, the franchise enacted by the sixth section of the Representation of the People Act, 1867; and, as respects Scotland, the franchise enacted by the sixth section of the Representation of the People (Scotland) Act, 1868; and, as respects Ireland, the franchise enacted by the first section of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine.

(7.) The expression "borough occupation franchise" means as respects England the franchise enacted by the twenty-seventh section of the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five; and as respects Scotland, the franchise enacted by the eleventh section of the Act of the session of the second and third years of the reign of King William the Fourth, chapter sixty-five; and as respects Ireland the franchise enacted by section five of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and the third section of the Representation of the People (Ireland) Act, 1868.

(8.) Any enactments amending or relating to the county occupation franchise or borough occupation franchise other than the sections in this Act in that behalf mentioned shall be deemed to be referred to in the definition of the county occupation franchise and the borough occupation franchise in this Act mentioned.

*S. 7 in part rep. 48 & 49 Vict. c. 17, s. 30.*

MANUAL, ss. 7, 9, 18, 20, 21 (a), 24, 25, and 26.

ADD. NOTES, ss. 11, 20, and 26.

8. DEFINITION OF "REPRESENTATION OF THE PEOPLE ACTS" AND "REGISTRATION ACTS."—(1.) In this Act the expression "the Representation of the People Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively relating to the representation of the people, inclusive of the Registration Acts as defined by this Act.

(2.) The expression "the Registration Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the registration of persons entitled to vote at elections for counties and boroughs, inclusive of the Rating Acts as defined by this Act.

(3.) The expressions "the Representation of the People Acts" and "the Registration Acts" respectively, where used in this Act, shall be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the enactments for the time being in force in that part.

(4.) All enactments of the Registration Acts which relate to the registration of persons entitled to vote in boroughs in England in respect of a household or a lodger qualification, and in boroughs in Ireland in respect of a lodger qualification, shall, with the necessary variations and with the necessary alterations of precepts, notices, lists, and other forms, extend to counties as well as to boroughs.

(5.) All enactments of the Registration Acts which relate to the registration in counties and boroughs in Ireland of persons entitled to vote in respect of the county occupation franchise and the borough occupation franchise respectively, shall, with the necessary variations and with the necessary alterations of precepts, notices, lists, and other forms, extend respectively to the registration in counties and boroughs in Ireland of persons entitled to vote in respect of the household qualification conferred by this Act.

(6.) In Scotland all enactments of the Registration Acts which relate to the registration of persons entitled to vote in burghs, including the provisions relating to dates, shall, with the necessary variations, and with the necessary alterations of notices and other forms, extend and apply to counties as well as to burghs; and the enactments of the said Acts which relate to the registration of persons entitled to vote in counties shall, so far as inconsistent with the enactments so applied, be repealed: Provided that in counties the valuation rolls, registers, and lists shall continue to be arranged in parishes as heretofore.

MANUAL, ss. 13 and 37.

9. DEFINITION AND APPLICATION OF RATING ACTS.—(1.) In this Act the expression "the Rating Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the placing of the names of occupiers on the rate book, or other enactments relating to rating in so far as

they are auxiliary to or deal with the registration of persons entitled to vote at elections; and the expression "the Rating Acts" where used in this Act shall be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the Acts for the time being in force in that part.

(2.) In every part of the United Kingdom it shall be the duty of the overseers annually, in the months of April and May, or one of them, to inquire or ascertain with respect to every hereditament which comprises any dwelling-house or dwelling-houses within the meaning of the Representation of the People Acts, whether any man, other than the owner or other person rated or liable to be rated in respect of such hereditament, is entitled to be registered as a voter in respect of his being an inhabitant occupier of any such dwelling-house, and to enter in the rate book the name of every man so entitled, and the situation or description of the dwelling-house in respect of which he is entitled, and for the purposes of such entry a separate column shall be added to the rate book.

(3.) For the purpose of the execution of such duty, the overseers may serve on the person who is the occupier or rated or liable to be rated in respect of such hereditament, or on some agent of such person concerned in the management of such hereditament, the requisition specified in the Third Schedule to this Act requiring that the form in that notice be accurately filled up and returned to the overseers within twenty-one days after such service; and if any such person or agent on whom such requisition is served fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding forty shillings, and any overseer who fails to perform his duty under this section shall be deemed guilty of a breach of duty in the execution of the Registration Acts, and shall be liable to be fined accordingly a sum not exceeding forty shillings for each default.

(4.) The notice under this section may be served in manner provided by the Representation of the People Acts with respect to the service on occupiers of notice of non-payment of rates, and, where a body of persons, corporate or unincorporate, is rated, shall be served on the secretary or agent of such body of persons; and where the hereditament by reason of belonging to the Crown or otherwise is not rated, shall be served on the chief local officer having the superintendence or control of such hereditament.

(5.) In the application of this section to Scotland the expression rate book means the valuation roll, and where a man entered on the valuation roll by virtue of this section inhabits a dwelling-house by virtue of any office, service, or employment, there shall not be entered in the valuation roll any rent or value against the name of such man as applicable to such dwelling-house, nor shall any such man by reason of such entry become liable to be rated in respect of such dwelling-house.

(6.) [*Repeal*] Provided that in any county in Scotland the



Commissioners of Supply, or the parochial board of any parish, or any other rating authority entitled to impose assessments according to the valuation roll, may, if they think fit, levy such assessments in respect of lands and heritages separately let for a shorter period than one year or at a rent not amounting to four pounds per annum in the same manner and from the same persons as if the names of the tenants and occupiers of such lands and heritages were not inserted in the valuation roll.

(7.) In Ireland where the owner of a dwelling-house is rated instead of the occupier, the occupier shall nevertheless be entitled to be registered as a voter, and to vote under the same conditions under which an occupier of a dwelling-house in England is entitled in pursuance of the Poor Rate Assessment and Collection Act, 1869, and the Acts amending the same, to be registered as a voter, and to vote where the owner is rated, and the enactments referred to in the First Schedule to this Act shall apply to Ireland accordingly, with the modifications in that schedule mentioned.

(8.) Both in England and Ireland where a man inhabits any dwelling-house by virtue of any office, service, or employment, and is deemed for the purposes of this Act and of the Representation of the People Acts to be an inhabitant occupier of such dwelling-house as a tenant, and another person is rated or liable to be rated for such dwelling-house, the rating of such other person shall for the purposes of this Act and of the Representation of the People Acts be deemed to be that of the inhabitant occupier; and the several enactments of the Poor Rate Assessment and Collection Act, 1869, and other Acts amending the same referred to in the First Schedule to this Act shall for those purposes apply to such inhabitant occupier, and in the construction of those enactments the word "owner" shall be deemed to include a person actually rated or liable to be rated as aforesaid.

(9.) In any part of the United Kingdom where a man inhabits a dwelling-house in respect of which no person is rated by reason of such dwelling-house belonging to or being occupied on behalf of the Crown, or by reason of any other ground of exemption, such person shall not be disentitled to be registered as a voter, and to vote by reason only that no one is rated in respect of such dwelling-house, and that no rates are paid in respect of the same, and it shall be the duty of the persons making out the rate book or valuation roll to enter any such dwelling-house as last aforesaid in the rate book or valuation roll, together with the name of the inhabitant occupier thereof.

*S. 9 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

ADD. NOTES, 26 and 31.

10. SAVING.—Nothing in this Act shall deprive any person (who at the date of the passing of this Act is registered in respect of any qualification to vote for any county or borough), of his



right to be from time to time registered and to vote for such county or borough in respect of such qualification in like manner as if this Act had not passed.

Provided that where a man is so registered in respect of the county or borough occupation franchise by virtue of a qualification which also qualifies him for the franchise under this Act, he shall be entitled to be registered in respect of such latter franchise only.

Nothing in this Act shall confer on any man who is subject to any legal incapacity to be registered as a voter or to vote, any right to be registered as a voter or to vote.

MANUAL, ss. 10 (*c*), 11 (*b*), 18 (*f*), and 47.

**11. CONSTRUCTION OF ACT.**—This Act, so far as may be consistently with the tenor thereof, shall be construed as one with the Representation of the People Acts as defined by this Act; and the expressions “election,” “county,” and “borough,” and other expressions in this Act and in the enactments applied by this Act, shall have the same meaning as in the said Acts.

Provided that in this Act and the said enactments—

The expression “overseers” includes assessors, guardians, clerks of unions, or other persons by whatever name known, who perform duties in relation to rating or to the registration of voters similar to those performed in relation to such matters by overseers in England.

The expression “rentcharge” includes a fee farm rent, a feu duty in Scotland, a rent seck, a chief rent, a rent of assize, and any rent or annuity granted out of land.

The expression “land or tenement” includes any part of a house separately occupied for the purpose of any trade, business, or profession, and that expression, and also the expression “hereditament,” when used in this Act, in Scotland includes “lands and heritages.”

The expressions “joint tenants” and “tenants in common” shall include “pro indiviso proprietors.”

The expression “clear yearly value” as applied to any land or tenement means in Scotland the annual value as appearing in the valuation roll, and in Ireland the net annual value at which the occupier of such land or tenement was rated under the last rate for the time being, under the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, or any Acts amending the same.

MANUAL, ss. 7, 8 (*h*), 11, 13, 21, and 22. ADD. NOTES, ss. 11 and 20.

**12. REPEAL OF CERTAIN SUPERSEDED SECTIONS.**—Whereas the franchises conferred by this Act are in substitution for the franchises conferred by the enactments mentioned in the first and second parts of the Second Schedule hereto, be it enacted that the Acts mentioned in the first part of the said Second Schedule shall be repealed to the extent in the third column of that part

of the said schedule mentioned except in so far as relates to the rights of persons saved by this Act ; and the Acts mentioned in the second part of the said Second Schedule shall be repealed to the extent in the third column of that part of the said schedule mentioned except in so far as relates to the rights of persons saved by this Act and except in so far as the enactments so repealed contain conditions made applicable by this Act to any franchise enacted by this Act.

*These repeals are hereinbefore given effect to.*

MANUAL, ss. 7 and 18.      ADD. NOTES, ss. 11 and 20.

13. Rep. 61 & 62 Vict. c. 22 (S.L.R.).

[*First Schedule applies to Ireland exclusively. Second Schedule rep. 61 & 62 Vict. c. 22 (S.L.R.).*]

### THIRD SCHEDULE.

Sect. 9.

#### FORM OF REQUISITION BY OVERSEERS REQUIRING NAMES OF INHABITANT OCCUPIERS.

To *E.F.*

You are hereby required to fill up accurately the under written form.

If this form is not returned to [us], accurately filled up, within twenty-one days after the service hereof, you will be liable, under the Representation of the People Act, 1884, to a penalty not exceeding forty shillings.

Dated this                      day of                      18      .

*A.B.*

*C.D.*

[Overseers [or assistant overseer] for the parish of                      .]

#### *Form of Return.*

1. Property in respect of which the person making the return is rated [or liable to be rated, or occupier].	2. Situation or description of every dwelling house, as defined by the Representation of the People Acts, forming part of the property in first column.	3. Surname and other name of every man who was on the fifteenth [or in English counties or in Scotch counties or boroughs last, or in Irish counties or boroughs twentieth] day of July last, and has been up to the date of the return an inhabitant occupier of any dwelling-house in the second column.

I declare that the above is a true and complete return.

(Signed)      *E.F.*

Dated the                      day of                      18      .

48 & 49 VICTORIA.

CHAPTER XVI.

THE REGISTRATION AMENDMENT (SCOTLAND) ACT, 1885.  
(Sect. 1.)

AN ACT to amend the Law regulating the Registration of Voters in Scotland ; and for other purposes relating thereto.  
[21st May 1885.]

1. SHORT TITLE.—This Act may be cited as the Registration Amendment (Scotland) Act, 1885.

2. DEFINITION.—In this Act the expression “Registration Acts” shall have the same meaning as in the Representation of the People Act, 1884.

3. POWER OF HER MAJESTY IN COUNCIL TO PRESCRIBE FORMS—PUBLICATION, VARIATION, AND EFFECT OF ORDER—FORM OF VALUATION ROLL.—(1.) It shall be lawful for the Queen by Order in Council to prescribe the forms necessary for carrying into effect the Registration Acts and this Act, including the form of the valuation roll, with power to substitute any form for any form contained in any schedule to the Registration Acts.

(2.) An Order in Council under this Act shall be published in the “Edinburgh Gazette,” and be laid before both Houses of Parliament forthwith after it is made.

(3.) It shall be lawful for the Queen by Order in Council from time to time to add to or vary an Order in Council made under this Act.

(4.) The valuation roll shall be in the form contained in the schedule to this Act until such form is altered by the Queen by Order in Council as aforesaid ;<sup>1</sup> *and section five of the County Voters Registration (Scotland) Act, 1861, is hereby repealed ; and section four of the said Act and section sixteen of the Representation of the People (Scotland) Act, 1868, are hereby repealed in so far as these sections provide that the name of the person to whom the amount of feu duty, ground annual, or other yearly consideration payable as a condition of his right by any proprietor, is to be entered in the valuation roll. Provided that the second column of the valuation roll, headed “description and situation of*

subject," may be printed for any county without subdivision if the commissioners of supply of such county shall so determine.

<sup>1</sup> *The words in italics rep. 61 & 62 Vict. c. 22 (S.L.R.).*

MANUAL, s. 13 (*b*).

4. ASSESSOR MAY CALL FOR A LIST OF INHABITANT OCCUPIERS.—It shall be lawful for any assessor acting under the Registration Acts, instead of using the means of obtaining information for the purposes of registration provided by section nine of the Representation of the People Act, 1884, to call upon every person rated or liable to be rated in respect of the occupation of any lands and heritages which comprise any dwelling-house, or on some agent of such person concerned in the management of such lands and heritages, for an accurate written list of the names and occupations of all persons, other than such person, being inhabitant occupiers of any dwelling-house, and the month and year in which they began to occupy such dwelling-house, forming part of such lands and heritages, together with the situation or description of such dwelling-house; and if any such person or agent fails to furnish such written statement to the assessor within fourteen days after he has been required in writing so to do, he shall be liable, on summary conviction, to the same penalty as is enacted in similar cases by section seven of the Act passed in the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one.

5. SPECIAL PROVISION AS TO VOTERS IN 1885.—Any person deemed to be an inhabitant occupier as tenant under section three of the Representation of the People Act, 1884, shall be registered in like manner as if the Representation of the People Act, 1884, had been in force throughout the year one thousand eight hundred and eighty-four, and had been duly carried into effect.

6. DWELLING-HOUSES TO BE ENTERED IN VALUATION ROLL.—In every future valuation roll to be made up in any county or burgh the assessor shall specify each dwelling-house within the meaning of the Representation of the People Act, 1884.

ADD. NOTES, s. 26.

7. REGISTER IN DIVIDED PARISHES.—Where a parish is divided into or forms part of more than one polling district, the register of voters in such parish shall be made up separately for each polling district.

MANUAL, s. 37.

**8. REGISTER IN PARLIAMENTARY BURGHS MERGED IN COUNTIES.**—Where any burgh has ceased as a burgh to return or to contribute to return a member to Parliament, the register of voters shall continue to be made up separately, but the duties hitherto performed by the town clerk shall be performed by the sheriff clerk.

MANUAL, s. 37.

**9. ADVERTISEMENT OF NEW POLLING PLACES IN COUNTIES.**—*So much of section two of an Act passed in the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter twenty-eight, as enacts that no increase or alteration of polling places and districts in counties shall be made until notice thereof has been given by advertisement for six weeks in the "North British Advertiser" and the "Edinburgh Gazette," and in the several newspapers published within the county, is hereby repealed, and [Rep. 61 & 62 Vict. c. 22 (S.L.R.)] it shall be sufficient if such increase or alteration is advertised for two successive weeks in a newspaper or newspapers published or circulating in the county as the sheriff may direct.*

ADD. NOTES, s. 37.

**10. REGISTRATION WHERE COUNTIES ARE DIVIDED.**—Where any county has been divided for the purposes of Parliamentary representation, it shall be lawful for the commissioners of supply to appoint the present assessor or assessors for such county to make up the register of voters in the several divisions of the county and to apportion the divisions among the assessors in such manner as the commissioners may determine, but until they shall otherwise determine, the assessor now appointed for the purpose of making up the register of any division, or the greater part of the area thereof, shall continue to act as the assessor for such division.

MANUAL, s. 50 (b).

**11. ASSESSOR NOT TO BE COLLECTOR OF POOR RATES OR FACTOR.**—It shall not be lawful for any assessor, whether appointed before or after the passing of this Act, to be a sheriff clerk or clerk of supply, or a collector of poor rates, or to be employed as a factor for heritable property, or land agent, in the county or burgh for which he may be the assessor.

**12. PRINTING OF VALUATION ROLL.**—It shall be lawful for the Commissioners of Supply of any county, or the magistrates of any burgh, to resolve at any meeting of their number, ordinary or special, duly called, and by a majority of those



attending and voting, that the valuation roll of such county or burgh shall be printed for any period of years not exceeding ten, and it shall be lawful for such commissioners or magistrates to enter into contracts for printing the same, and the expenses of such printing shall be deemed to be part of the expenses of making up such roll, and shall be assessed for and levied accordingly: Provided always, that notice of the intention to move such resolution shall be inserted in the notice calling the meeting at which it is to be moved.

*S. 12 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

**13. JOINT OCCUPATION OF LODGINGS.**—Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum of not less than ten pounds for each lodger, then each lodger, if otherwise qualified, and subject to the conditions of the Representation of the People (Scotland) Act, 1868, and of the Representation of the People Act, 1884, shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons, being such joint lodgers, shall be entitled to be registered in respect of such lodgings.

MANUAL, s. 29.

**14. DECLARATION OF LODGER TO BE PRIMA FACIE EVIDENCE.**—In the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim shall for the purposes of revision be *prima facie* evidence of his qualification.

MANUAL, s. 29 (c).

**15. REMUNERATION OF COLLECTORS OF POOR RATES.**—For the duties imposed upon them by sections eighteen and nineteen of the Representation of the People (Scotland) Act, 1868, collectors of poor rates shall be entitled to remuneration at the rate of six shillings for every hundred names, and such remuneration shall be paid as part of the expenses of registration in counties and burghs respectively.

**16.** Rep. 61 & 62 Vict. c. 22 (S.L.R.).

**17. DOUBLE ENTRIES OF VOTERS.**—(1.) When the name of a person appears to be entered more than once as a voter on the lists of voters for the same parliamentary county or for the same burgh, the sheriff when revising the lists shall inquire whether such entries relate to the same person, and on proof that



such entries relate to the same person shall retain one entry and strike out the others.

(2.) The said person may select the entry to be retained by notice in writing delivered or sent by post to the sheriff clerk at or before the opening of the first court at which the sheriff revises any of the lists in which any such entries appear, or by application made by such person or on his behalf at the first sitting of the court for the revision of such lists.

(3.) If no selection is so made the entry to be retained shall be determined as follows :—

(a.) In counties :—

- (i.) If one only of the entries is an entry on the list of voters as proprietor, that entry shall be retained ; and
- (ii.) If all or none of the entries are on the list of voters as proprietor, and one of the entries is the place of residence of the voter, the entry in respect of the place of residence shall be retained ; and
- (iii.) In any other case the entry which is first reached by the sheriff in revising the lists shall be retained :

(b.) In burghs :—

- (i.) If one of the entries is the place of residence of the voter, the entry in respect of the place of residence shall be retained ; and
- (ii.) In any other case the entry which is first reached by the sheriff in revising the lists shall be retained :

and both in counties and in burghs, if any such entry to be retained is objected to, the sheriff shall not finally strike out any other entry until the objection to the entry to be retained has been determined by him in favour of the voter.

(4.) Where a burgh is divided into divisions and, notwithstanding the provisions of this section, the name of a person is entered in the register of parliamentary voters of more than one division of the said burgh, and one of these entries is his place of residence, he shall be entitled to vote only in that division in which he is registered as a voter in respect of his place of residence, and shall not vote in respect of any other entry.

(5.) In this section the expression “parliamentary county” means a county returning or contributing to return a member or members to serve in Parliament ; and, where a county is divided for the purpose of such return, means a division of such county.

## SCHEDULE.

Page \_\_\_\_\_

VALUATION ROLL for the Burgh [*or* County] of \_\_\_\_\_ for the Year 188-188 . Parish. \_\_\_\_\_

No.	DESCRIPTION AND SITUATION OF SUBJECT.		PROPRIETOR.	TENANT.	OCCUPIER.	INHABITANT (OCCUPIER not rated (18 Vict. c. 3, ss. 3 & 9).	FEU DUTY or GROUND ANNUAL.	YEARLY RENT or VALUE.
	Description.	Situation.						
		No.						

48 & 49 VICTORIA.

CHAPTER XXIII.

THE REDISTRIBUTION OF SEATS ACT, 1885. (Sect 1.)

AN ACT for the Redistribution of Seats at Parliamentary Elections, and for other purposes. [25th June 1885.]

1. SHORT TITLE.—This Act may be cited as the Redistribution of Seats Act, 1885.

. . . . .

8. DIVISION OF PARLIAMENTARY BOROUGHES.

(3.) Where any parliamentary borough is divided into divisions in pursuance of this section a person shall not be registered as entitled to vote and shall not vote in more than one such division.

MANUAL, s. 38.

9. DIVISION OF COUNTIES.

(3.) Subject to the provisions of this Act the members for each such division of a county shall be elected by persons qualified in the same manner, and the nomination and other proceedings at parliamentary elections for such division shall be conducted in the same manner, as if such division were a separate constituency, and the law relating to parliamentary elections shall apply to each such division as if it were a separate county.

10. QUALIFICATION BY OCCUPATION OF PREMISES IN IMMEDIATE SUCCESSION IN DIVIDED BOROUGH.—The occupation in immediate succession of different premises situate within a parliamentary borough shall, for the purpose of qualifying a person for voting in any division of such borough in respect of occupation (otherwise than as a lodger), have the same effect, as if all such premises were situate in that division of the

borough, in which the premises occupied by such person at the end of the period of qualification are situate.

MANUAL, ss. 12 (*d*), 21, 26, and 29.

### 13. AS TO BOROUGHs DIVIDED INTO DIVISIONS.

(3.) For the purpose of determining the distance of the residence of any voter, and for all purposes of and incidental to the registration of voters in a parliamentary borough divided into divisions, and for the purpose of the enactments respecting the division of any such borough into polling districts, all the divisions shall be deemed to form the same parliamentary borough:

Provided that the lists and register of voters for the borough shall be framed, printed, and arranged in parts so as to correspond to the divisions thereof; and the voters in each division shall be numbered in a separate series.

(4.) In a borough divided into divisions, the election for two or more of such divisions shall be deemed to be the same election within the meaning of the enactments relating to personation and to voting, and the question which may be asked of voters at the poll shall be: "Have you already voted here or elsewhere at this election for the borough of \_\_\_\_\_ either in this or in any other division?"

(5.) Subject to the provisions of this Act, where any parliamentary borough is divided into divisions, the members for each division of such borough shall be elected by the persons registered in such division as voters for the borough, and the nomination and other proceedings at parliamentary elections for such division shall be conducted in the same manner as if such division were a separate constituency, and the law relating to parliamentary elections shall apply to each division as if it were a separate parliamentary borough.

MANUAL, ss. 17, 38, and 50 (*b*).

18. DETACHED PARTS OF PARISHES.—Any such constitution of new parishes or division or alteration of boundaries of parishes made for poor law purposes by or in pursuance of any Act of Parliament, as has come into operation on or before the twenty-sixth day of March one thousand eight hundred and eighty-five, and any alteration of the boundary of a county which is incidental to such constitution, division, or alteration, shall have effect also for all purposes of the law relating to parliamentary elections for any future Parliament.

MANUAL, s. 12 (*a*).

**20. MARKING OF BOUNDARIES WHERE THEY DO NOT FOLLOW WELL-DEFINED LINES.**—(1.) Where the boundary of a parliamentary borough or division of a borough does not follow the boundary of a parish or township, or other well-defined line of demarcation, the local authority having power to divide such borough into polling districts shall, as soon as may be after the passing of this Act, cause the several points of deviation of the boundary to be marked by means of boundary stones, posts, or other marks, which shall from time to time be maintained and renewed by such local authority.

(2.) For the purposes of this section, any officer authorised in that behalf by the local authority, may, by himself and his workmen, enter upon any lands, doing as little damage as possible, and making compensation for such damage, the amount of such damage to be determined in case of dispute in manner provided by the Lands Clauses Consolidation Acts, with respect to disputed compensation for land.

(3.) All expenses properly incurred by a local authority in pursuance of this section shall be defrayed as part of the expenses of the town clerk in the registration of voters for the parliamentary borough.

**21. ADAPTATION OF WRITS.**—All writs to be issued for parliamentary elections, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs, or relating to parliamentary elections or the registration of voters, shall be framed and expressed in such manner and form as may be necessary for carrying into effect the provisions of this Act, and of the Representation of the People Act, 1884.

*Application to Scotland.*

**25. APPLICATION OF ACT TO SCOTLAND.**—This Act shall apply to Scotland, with the following modifications:—

(1.) The sheriff shall be substituted for “the local authority having power to divide a county or parliamentary borough into polling districts,” and also for the “revising barrister.”

(3.) Where by the operation of this Act any Royal or Parliamentary burgh ceases as a burgh to return or to contribute to return a member to Parliament, nothing in this Act shall affect in any other respect the rights and privileges of such burgh as a Royal or Parliamentary burgh, or the rights, privileges, and functions of the magistrates, town council, and officers thereof.

48 & 49 VICTORIA.

CHAPTER XLVI.

THE MEDICAL RELIEF DISQUALIFICATION REMOVAL ACT, 1885.  
(Sect. 1.)

AN ACT to prevent Medical Relief disqualifying a person from voting. [6th August 1885.]

1. SHORT TITLE.—This Act may be cited as the Medical Relief Disqualification Removal Act, 1885.

2. MEDICAL RELIEF NOT TO DISQUALIFY.—(1.) Where a person has in any part of the United Kingdom received for himself, or for any member of his family, any medical or surgical assistance, or any medicine at the expense of any poor rate, such person shall not by reason thereof be deprived of any right to be registered or to vote either—

- (a.) As a parliamentary voter ; or
- (b.) As a voter at any municipal election ; or
- (c.) As a burgess ; or
- (d.) As a voter at any election to an office under the provisions of any statute ;

but nothing in this section shall apply to the election—

- (a.) Of any guardian of the poor ; or
- (b.) Of any member of any parochial board in Scotland ; or
- (c.) Of any other body acting in the distribution of relief to the poor from the poor rate.

*S. 2 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

3. PROVISION FOR REGISTRATION IN THE PRESENT YEAR.—  
... Provided that this Act shall not be construed to create any disability where such disability does not now exist.

*S. 3 in part rep. 61 & 62 Vict. c. 22 (S.L.R.).*

4. DEFINITION OF MEDICAL AND SURGICAL ASSISTANCE.—  
The term “medical or surgical assistance” in this Act shall include all medical and surgical attendance, and all matters and things supplied by or on the recommendation of the medical officer having authority to give such attendance and recommendation at the expense of any poor rate.

MANUAL, ss. 31 (a) and 36 (a).



49 & 50 VICTORIA.

CHAPTER XV.

THE SPORTING LANDS RATING (SCOTLAND) ACT, 1886.  
(Sect. 8.)

AN ACT to amend the Law as to the Rating of Lands occupied for Sporting purposes in Scotland.  
[10th May 1886.]

1. Rep. 61 & 62 Vict. c. 22 (S.L.R.).

2. INTERPRETATION CLAUSE.—The expression “the Valuation Acts” shall mean the Act seventeenth and eighteenth Victoria, chapter ninety-one, and any Acts amending the same.

The expression “the assessor” shall mean the assessor appointed and acting under the Valuation Acts.

The expression “the Poor Law Act” shall mean the Act eighth and ninth Victoria, chapter eighty-three.

3. CONSTRUCTION OF ACT.—This Act shall be read and construed along with the Valuation Acts and the Poor Law Act.

4. Rep. 61 & 62 Vict. c. 22 (S.L.R.).

5. AMENDMENT OF 8 & 9 VICT. C. 83, S. 1.—The first section of the Poor Law Act shall be read and construed as if the definition of “lands and heritages” therein expressly referred to and included shootings and deer forests.

6. VALUATION OF SHOOTINGS AND DEER FORESTS.—In order to ascertain and assess under the Valuation Acts the yearly value of shootings and deer forests in Scotland, it shall be the duty of the assessor to enter separately for each parish, and in respect of each proprietor therein, the yearly value of the shootings over the lands and of the deer forests belonging to him in so far as situated within such parish.

7. RATING OF SHOOTINGS AND DEER FORESTS.—All county, parochial, or other public assessments, and all assessments, rates, or taxes, under any Act of Parliament, authorised to be imposed or made upon or according to the annual value of lands and heritages ascertained under the Valuation Acts, or upon or according to the annual value of lands and heritages ascertained under the Poor Law Act, shall be imposed or made upon or according to the annual value of shootings and deer forests ascertained under the Valuation Acts, as amended by this Act, or upon the annual value thereof ascertained under the Poor Law Act, as amended by this Act, as the case may be.

8. SHORT TITLE.—This Act may be cited for all purposes as the Sporting Lands Rating (Scotland) Act, 1886.

MANUAL, s. 11 (*d*).

## 50 VICTORIA.

### CHAPTER IX.

#### THE POLICE DISABILITIES REMOVAL ACT, 1887. (Sect. 6.)

AN ACT to remove the Disabilities of the Police to vote at Parliamentary Elections. [23d May 1887.]

Whereas it is inexpedient that any person otherwise entitled to be registered as a voter should be incapacitated to vote at parliamentary elections by reason of his being employed in or in connection with the police :

2. CONSTABLE ON DUTY TO BE ENTITLED TO VOTE AT ANY POLLING STATION.—Where a constable is or is likely to be, on the day of any election, sent or employed in the discharge of his duty so as to prevent him voting at the polling booth or station at which he would otherwise be entitled by law to vote, the following enactments shall have effect :—

- (1.) Such constable may, at any time within seven days before the election, apply to the chief constable for a certificate, and the chief constable shall thereupon give a certificate under his hand, stating the name of the constable, his number in the police force, his number and description on the register of voters, and the fact that he is so sent or employed ;
- (2.) The presiding officer at any polling booth or station shall, on production by such constable of the said certificate, allow him to vote at that booth or station, and shall forthwith cancel the said certificate, and deal with the same in like manner as the counterfoils of voting papers are directed by law to be dealt with ;
- (3.) No such constable shall, under this section, be entitled to vote at any election at which he would not, but for this section, be entitled to vote, nor more than once in any election, and if he so votes, or attempts to vote, he shall be subject to all the penalties imposed by law on a person personating or attempting to personate a voter at such election ;

(4.) In this section,—

- (a.) “Constable” includes any person belonging to a police force;
- (b.) “Chief constable” includes an assistant chief constable, a commissioner or assistant commissioner of police, a head constable, and any other person for the time being in command of a police force, or acting in that capacity;
- (c.) “Register of voters” has the same meaning as in the Ballot Act, 1872.

MANUAL, ss. 49 and 56 (*b*).

**3. REGISTRATION IN CASE OF TEMPORARY ABSENCE OF POLICE OFFICER ON DUTY.**—A person otherwise entitled to be registered as a voter at parliamentary elections in respect of the occupation of a dwelling-house shall be deemed an inhabitant occupier thereof as tenant notwithstanding his temporary absence therefrom in the execution of duty as a police officer during a part of the qualifying period, not exceeding four consecutive months.

MANUAL, s. 27 (*d*).

. . . . .

**6. SHORT TITLE.**—This Act may be cited as the Police Disabilities Removal Act, 1887.

[*Schedule spent.*]

52 & 53 VICTORIA.

CHAPTER L.

THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1889. (Sect. 1.)

AN ACT to amend the Laws relating to Local Government  
in Scotland. [26th August 1889.]

6. QUALIFICATION OF ELECTORS.—The councillor for an electoral division shall be elected by the persons registered as herein-after provided as county electors for that division.

7. QUALIFICATION OF COUNCILLORS.—A person shall not be qualified to be elected or be a councillor for an electoral division of a county unless he is at the time of the election registered as a county elector for such county.

8. APPOINTMENT OF COUNCILLORS BY CERTAIN BURGHS.—Every burgh which contains a population of less than seven thousand shall, for the purposes herein-after mentioned,<sup>1</sup> and subject to the provisions of this Act, be represented on the county council of the county within which it is situated, or with which it has the longest common boundary, in manner following, that is to say :—

- (1.) The county councillors to be elected for such burgh shall be elected by the town council of such burgh from among their own number, at a meeting of the town council to be held in the month of January, in the year one thousand eight hundred and ninety, and in the month of November in every subsequent year in which the election of a county council is appointed to take place.
- (2.) The term of office of a county councillor for a burgh shall be three years, provided that his term of office as a county councillor shall terminate when he ceases to be a town councillor, and the town council shall fill up any casual vacancy arising under this section at their first meeting after such vacancy occurs, but

such appointment shall only be till the time of the next county council election.

- (3.) The provisions of this section shall apply to a royal burgh which contains a population of more than seven thousand, but does not return or contribute to return a member to Parliament, and to any burgh which contains a population of more than seven thousand, but does not maintain a separate police force.
- (4.) The expression "the Representation of the People Acts," in section three of the Representation of the People Act, 1884, is hereby declared to include the Acts regulating the registration of municipal electors.

<sup>1</sup> *These purposes are contained in sections 13 and 14 of the Act (the former relating to the administration of the Police and the latter to the administration of the Contagious Diseases (Animals) Acts and the Destructive Insects Act, 1877), and they also include the purposes of 62 & 63 Vict. c. 44 (see s. 12 of that Act), the purposes of 3 Edw. VII. c. 25 (subject to the conditions contained in s. 5 of that Act), and the purposes of 3 Edw. VII. c. 45 (see s. 14 (4) of that Act).*

MANUAL, s. 33 (a).

**11. TRANSFER TO COUNTY COUNCIL OF POWERS OF COMMISSIONERS OF SUPPLY, ROAD TRUSTEES, &c.**—Subject to the provisions of this Act there shall be transferred to and vested in the council of each county, on and after the appointed day, or at such times as are in this Act in that behalf respectively specified:—

- (1.) The whole powers and duties of the Commissioners of Supply, save as hereinafter mentioned ;

**28. REGISTRATION OF COUNTY ELECTORS.**—In the year one thousand eight hundred and eighty-nine, and in every third year thereafter, the following provisions shall have effect with respect to the registration of persons (in this Act referred to as county electors) entitled to vote in a county at an election of county councillors, and the Registration Acts shall be amended and shall be read and construed accordingly:—

- (1.) Every person registered as a parliamentary elector for a county or division of a county shall be deemed to be registered as a county elector for that county, subject to the provisions following:—

- (a.) As affecting the right to be a county elector, exemption from or failure to make payment of any consolidated rates shall be a disqualification in the same manner as and



in addition to the disqualification arising from exemption from or failure to make payment of poor rate in the case of a parliamentary elector :

- (b.) For the purpose of the registration of county electors the provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the consolidated rates as well as to the poor rate, and as if the collector of the consolidated rates were therein named as well as and along with the collector of poor rate :
- (c.) The assessor shall prefix a distinctive mark to the number or name of any parliamentary elector as appearing in the parliamentary register or lists, if such parliamentary elector shall seem to him to be disqualified in respect of exemption from or failure to make payment of any consolidated rates, or because the qualifying premises are situated within the boundaries of a burgh within the meaning of this Act :
- (d.) The forms of registers and lists and of notices of claim and objection and the provisions in regard to numbering on the register under the Registration Acts shall be varied so as to make them applicable to the registration of county electors as well as to the registration of parliamentary electors : Provided that the same forms may be made to apply both to parliamentary and county electors :  
The assessor shall give notice on the lists published by him of the provisions of sub-section (g) herein-after contained and also of the distinctive mark used and to be used in pursuance of sub-section (c) of this section :
- (e.) It shall be lawful to object to the insertion or omission of the distinctive mark in this section mentioned as nearly as may be in the same manner and subject to the same provisions as to appeal and otherwise as in the case of any other entry in or omission from such register and lists :
- (f.) The provisions contained in sub-sections (a)

and (b) of this section shall not take effect during the year one thousand eight hundred and eighty-nine :

- (g.) A parliamentary elector to whose number or name as appearing in the parliamentary register the distinctive mark as in this section mentioned is prefixed shall not be deemed to be registered as a county elector, and shall not be entitled to vote at an election of county councillors for the county.

- (2.) In the year one thousand eight hundred and eighty-nine, and in every third year thereafter, simultaneously with the preparation of the parliamentary register for a county or division of a county, there shall be prepared by the assessor charged with the preparation thereof a supplementary register (in this Act referred to as the supplementary register) of persons other than parliamentary electors in the county or division entitled to vote in the county at an election of county councillors; and the whole enactments of the Registration Acts which relate to the registration of parliamentary electors for a county including the provisions relating to officers and dates, and to numbering on the register shall, with the necessary alterations of notices and other forms, and other necessary variations extend and apply to the registration of county electors in the supplementary register, subject to the provisions following :—

- (h.) Every peer otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a peer, shall nevertheless, subject to the provisions contained in sub-section (k) of this section, be entitled to be registered in the supplementary register as a county elector :

- (i.) Every woman . . . otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a woman, shall, nevertheless, subject to the provisions contained in sub-section (k) of this section, be entitled to be registered in the supplementary register as a county elector :

- (j.) Where the parliamentary boundaries of a burgh do not coincide with the boundaries thereof within the meaning of this Act,

every parliamentary elector for a burgh whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county, within the meaning of this Act, and every peer and every woman as aforesaid otherwise possessing the qualification for being registered as a parliamentary elector for a county, but who is disqualified for being so registered by reason of being a peer or a woman as aforesaid, whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county as aforesaid, shall, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector for that county: Provided that, for the purpose of this sub-section, the assessor for the county shall have reasonable access to the schedules and lists of the assessor for the burgh:

- (*k*.) As affecting the right to be so registered, exemption from or failure to make payment of any consolidated rates shall disqualify for registration in the same manner as and in addition to exemption from or failure to make payment of poor rate:
  - (*l*.) The provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the consolidated rates as well as to the poor rate, and as if the collector of the consolidated rate were therein named as well as and along with the collector of poor rate:
  - (*m*.) The provisions contained in sub-sections (*k*) and (*l*) of this section shall not take effect during the year one thousand eight hundred and eighty-nine.
- (3.) The parliamentary and supplementary registers and lists shall be framed and printed in such parts as that they may be arranged in electoral divisions as fixed under this Act, as well as in parishes and polling districts.
- (4.) Where the area (in this section referred to as the parlia-

mentary area) of any county for the purposes of a parliamentary election differs from the area (in this section referred to as the county council area) of the county within the meaning of this Act, the proceedings for the registration of county electors shall be conducted as if the area of the county were for all purposes the parliamentary area: Provided that as soon as the said proceedings are completed the county clerk of the registering county shall transmit to the county clerk of any other county within the meaning of this Act, such copies as he may require of those parts of the county council register which relate to lands and heritages within the parliamentary area of the registering county, but within the county council area of such other county, upon payment of such sum as, failing agreement, shall be determined by the sheriff of either county: Provided also, that such parts of the county council register shall not form part of the county council register of the registering county, but shall form part of the county council register of such other county.

- (5.) The parliamentary and supplementary registers shall, subject to the provisions of this Act, together constitute the county council register for the county, and the expense of making up the same shall be added to the expense of making up the parliamentary register, and shall be defrayed and provided for as if they were part thereof: Provided that no part of such additional expense shall be levied on any lands and heritages within a burgh.
- (6.) Where a county is divided for the purposes of parliamentary representation, the provisions herein-before contained shall apply, subject to the necessary variations; and the parliamentary and supplementary registers prepared in pursuance thereof for the several parliamentary divisions of the county shall together constitute the county council register for the county.

*S. 28 in part rep. 57 & 58 Vict. c. 58, s. 55.*

MANUAL, ss. 33, 36, 37, 52, 55, and 56. ADD. NOTES, s. 32.

**29. SPECIAL PROVISIONS AS TO SERVICE FRANCHISE OCCUPIERS.**—Notwithstanding section nine, sub-section (5), of the Representation of the People Act, 1884, there shall be entered in such column and with such heading as the deputy clerk register may approve, in the valuation roll of each county in the manner and subject to the provisions of the Valuation Acts, the annual value of every dwelling-house, the situation or descrip-

tion of which is entered in the said roll under the provisions of section nine, sub-section (2), of the Representation of the People Act, 1884. No person shall be liable to be rated in respect of such entry, but the person rated in respect of the occupancy of the lands and heritages which include such dwelling-house shall be entitled to relief against the person (in this Act referred to as a service franchise occupier) occupying the same under him by virtue of any office, service or employment, in respect of so much of the occupiers consolidated rate paid by him as is applicable to the amount entered in the valuation roll under the provisions of this Act as the annual value of such dwelling-house :

Provided that where an arrangement has been made under which a deduction is expressly made in name of rates from the wages or emoluments of any service franchise occupier, this section shall not confer any right of relief as herein-before provided.

MANUAL, s. 35 (b). ADD. NOTES, s. 26.

**32. ONE VOTE ONLY.**—No person shall be entitled to give more than one vote, or to vote for more than one candidate, at an election in a county of a county council.

MANUAL, s. 52 (a).

**44. BOUNDARIES OF COUNTIES.**—For the purposes and subject to the provisions of this Act, and except so far as varied by an order made under this Act, as herein-after mentioned the following provisions shall have effect :—

(a.) From and after the passing of this Act, counties shall have the contents and boundaries which they respectively have, or in the case of counties still subject to local Acts of Parliament regulating highways will have, after the appointed day for the purposes of the Roads and Bridges (Scotland) Act, 1878 ; and

(b.) The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed or determined for police purposes under the provisions contained in any general or local Act of Parliament, or when no police assessment is levied as the same are or may be ascertained, fixed or determined for municipal purposes : Pro-

vided that police burghs shall not in any case be deemed to be burghs for the purposes of this Act except for the purposes of and subject to the provisions of the Roads and Bridges (Scotland) Act, 1878.

- (c.) If any question arises as to whether a part of a county is detached or as to the county with which the part has the longest common boundary, or as to the county with which a burgh has the longest common boundary, the sheriff in the year one thousand eight hundred and eighty-nine, and thereafter the Boundary Commissioners, may by order determine the question.

MANUAL, ss. 33 (b) and 52 (f).

### 83. CLERK OF THE COUNTY COUNCIL.—

(2.) In addition to any other rights and duties conferred or imposed on him by the council, the county clerk shall, after the appointed day and subject to the provisions of this Act, have and discharge the rights and duties now belonging to or devolving on the clerk of supply and county road clerk, and all things authorised or required to be done by or to the clerk of supply and county road clerk may be done by or to the county clerk.

### *Savings.*

95. SAVING FOR VOTES AT ANY PARLIAMENTARY ELECTIONS.—Nothing in this<sup>1</sup> Act, nor anything done in pursuance of this<sup>1</sup> Act, shall alter the limits of any parliamentary county or burgh or division, or the right of any person to be registered as a voter or to vote at any parliamentary election, or the limits within which the valuation roll for a county or burgh is made up as at the passing of this<sup>1</sup> Act, or the right of assessing for the cost of making up such valuation roll or the register of parliamentary voters for any county, or division, or burgh.

<sup>1</sup> See 57 & 58 Vict. c. 58, s. 46.

MANUAL, s. 12 (a).

104. DEFINITION OF "POPULATION."—Wherever in this Act reference is made to the population of burghs or police burghs, such reference shall be deemed to be made to the population according to the Census of 1881, unless it shall be established to



the satisfaction of the Secretary for Scotland within ten days after the passing of this Act that in the case of any burgh or police burgh it has a larger population as at the passing of this Act, and in any such case such reference shall be taken to be to the larger population so established.

MANUAL, s. 33 (a).

**105. INTERPRETATION OF CERTAIN TERMS.**—In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say—

The expression “county” means a county exclusive of any burgh wholly or partly situate therein, and does not include a county of a city.

The expression “burgh” means any royal or parliamentary burgh.

The expression “parish” means a parish *quoad civilia* for which a separate parochial board is or can be appointed, and where part of a parish is situate within and part of it without any county or other area, includes each such part.

The expression “sheriff” means the sheriff of the county, and includes sheriff-substitute.

The expression “assessor” means the assessor acting under the Registration Acts, or the Valuation Acts, as the case may be.

The expression “Registration Acts” means the Acts regulating the registration of parliamentary electors.

The expression “the Valuation Acts” means the Act of the seventeenth and eighteenth Victoria, chapter ninety-one, and any Acts amending the same.

The expression “ratepayer” means any owner or occupier liable in payment of any rate imposed under or in pursuance of this Act.

The expression “owner” has the same meaning as the expression “proprietor” has in the Valuation Acts, and shall not include a crofter within the meaning of the Crofters’ Holdings (Scotland) Act, 1886.

MANUAL, s. 33.

53 & 54 VICTORIA.

CHAPTER LV.

THE ELECTIONS (SCOTLAND) CORRUPT AND ILLEGAL  
PRACTICES ACT, 1890. (Sect. 1.)

AN ACT for the better prevention of Corrupt and Illegal Practices at Elections in Scotland other than Parliamentary elections.  
[18th August 1890.]

1. SHORT TITLE.—This Act may be cited as the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, and shall apply to elections to any corporate office as defined by section two hereof.

2. DEFINITIONS.—“Burgh” includes royal burgh, parliamentary burgh, burgh of barony, burgh of regality, and police burgh formed under any general police Act, and the burgh of Coatbridge in the county of Lanark :

“Corporate office” means the office of county councillor, town councillor, or police commissioner of a burgh, member of parochial board, or member of school board :

“Election” means an election to a corporate office as defined by this Act :

“Election court” means a court constituted under this Act for the trial of an election petition :

“Election petition” means a petition under this Act complaining of an undue election :

“Revising authority” means the sheriff :

“Election,” when used with reference to a petition, means the election to which the petition relates :

3. GENERAL PENALTIES FOR CORRUPT PRACTICES.—A person who commits any corrupt practice in reference to an election under this Act shall be guilty of the like offence, and shall on conviction be liable to the like punishment, and subject to the like incapacities, as if the corrupt practice had been committed in reference to a parliamentary election.

**4. INCAPACITY OF CANDIDATE GUILTY OF CORRUPT PRACTICE.**

—(1.) Where upon the trial of an election petition it is found by the election court that any corrupt practice, other than treating and undue influence, has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate thereat, that candidate shall not be capable of ever holding a corporate office, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said finding he had been convicted of a corrupt practice.

(2.) If the election court finds that any candidate at such election has been guilty by his agents of a corrupt practice in reference to such election, that candidate shall not be capable of being elected to or holding any corporate office during a period of three years from the date of the finding, and, if he has been elected, his election shall be void.

MANUAL, s. 30.

. . . . .

**11. PUNISHMENT ON CONVICTION OF ILLEGAL PRACTICE.—**

A person guilty of an illegal practice in reference to an election shall, on summary conviction, be liable to a fine not exceeding one hundred pounds, and be incapable, during a period of five years from the date of his conviction, of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a corporate office within the meaning of this Act) held for or within the county, burgh, or parish in which the illegal practice has been committed.

MANUAL, s. 30.

**12. INCAPACITY OF CANDIDATE GUILTY OF ILLEGAL PRACTICE.**—Where, upon the trial of an election petition it is found that a candidate at an election has been guilty, by himself or his agents, of an illegal practice in reference to such election, the candidate shall not be capable of being elected to or of holding any corporate office during the period for which he was elected to serve or for which, if elected, he might have served, and if he was elected, his election shall be void; and, if such candidate has himself been guilty of such illegal practice, he shall also be subject to the same incapacities as if, at the date of the finding, he had been convicted of such illegal practice.

. . . . .

**28. HEARING OF PERSON BEFORE HE IS FOUND GUILTY OF CORRUPT OR ILLEGAL PRACTICE, AND INCAPACITY OF PERSON FOUND GUILTY.**

. . . . .

(2.) Every person who, after the commencement of this Act, is found by an election court to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is found guilty.

MANUAL, s. 30.

**29. OMISSION FROM LIST OF VOTERS OF PERSONS INCAPACITATED FROM VOTING BY CORRUPT OR ILLEGAL PRACTICES.**—(1.) Every assessor or other person charged with the duty of making up the register of voters or list of persons entitled to vote at an election under this Act shall omit therefrom the name of every person who, though otherwise qualified to be placed thereon, has under this Act, or under the Corrupt and Illegal Practices Prevention Act, 1883, or under any other Act for the time being in force relating to a parliamentary election or an election to any corporate office, become after the commencement of this Act, by reason of conviction of a corrupt or illegal practice, or of being found guilty thereof by any election court or election commissioners, for the time being incapable of voting at an election.

(2.) For the purpose of making such omissions every such assessor or other person shall procure from the sheriff clerk of the county in which such assessor or other officer acts a list of those persons who have been convicted or found guilty of a corrupt or illegal practice at any election within the jurisdiction of the election court of such county whether a parliamentary election or an election to any corporate office as defined by this Act.

(3.) Any person so omitted from the register may claim to have his name inserted therein, and any person entitled to object to any entry in such register may object to the omission of the name of any person from such register. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objections shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of voters.

(4.) The revising authority shall determine such claims and objections and shall revise such register in like manner, as nearly as circumstances admit, as in the case of other claims and objections.

(5.) Where it appears to the revising authority that a person named in the register has been convicted of a corrupt and illegal practice, or has been found incapable of voting at an election, he shall (whether an objection to the insertion of such name in the list has or has not been made), but after giving such person an opportunity of making a statement to show cause to the contrary, expunge his name from the register.

(6.) A revising authority in acting under this section shall determine only whether a person is incapacitated by conviction or by the finding of any election court, and shall not determine whether a person has or has not been guilty of any corrupt or illegal practice.

(7.) Any assessor or other officer who fails to comply with the provisions of this section shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action.

(8.) An action under this section shall not lie after three months from the date of the offence. A moiety of every fine recovered therein shall, after payment of the expenses of action, be paid to the pursuer.

MANUAL, ss. 36, 55, and 56 (*a*) and (*c*).

54 & 55 VICTORIA.

CHAPTER XI.

THE ELECTORAL DISABILITIES REMOVAL ACT, 1891. (Sect. 1.)

AN ACT to remove certain Disabilities of Persons by reason of absence to be registered as Voters at Parliamentary and Local Elections.  
[11th May 1891.]

1. SHORT TITLE.—This Act may be cited as the Electoral Disabilities Removal Act, 1891.

2. TEMPORARY ABSENCE OF PERSON IN PERFORMANCE OF DUTY NOT TO DISQUALIFY AS ELECTOR.—A person shall not be disqualified from being registered—

(a.) In the parliamentary register of electors for a county or borough in respect of his inhabitant occupation of a dwelling-house or lodgings or his occupation of any land or tenement; or

(b.) In the local government register of electors for a county or borough in respect of his occupation of any house, warehouse, counting-house, shop, building, land, or tenement,

by reason only that during part of the qualifying period not exceeding four months at any one time, he has in the performance of any duty arising from or incidental to any office, service, or employment held or undertaken by him been absent from his dwelling-house or lodgings, or not resided in or within the required distance from such county or borough.

MANUAL, ss. 17 (c), 27 (d), and 29 (e).



## 57 & 58 VICTORIA.

### CHAPTER LVIII.

#### THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1894. (Sect. 1.)

AN ACT to establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes. [25th August 1894.]

**10. ELECTING BODY.**—(1.) Subject to the provisions of this Act, a parish council shall be elected by the following persons, in this Act referred to as the parish electors, namely, the persons registered on the parish council register; provided that exemption from or failure to make payment of the special rate authorised by this Act, where such rate is due and payable by persons so registered, shall be a disqualification from voting at an election of a parish council, unless such rate is paid during the period of one year subsequent to service of the demand note requiring payment of the same.

It shall be the duty of the clerk of the parish council, one week before the time fixed for the nomination of candidates for any election of parish councillors in the parish, to prepare a list of parish electors who have failed to make payment of the special rate within such period of one year, and to transmit a copy of such list forthwith to the returning officer; and any votes tendered by any elector named in such list shall at any such election be disallowed, unless the elector verifies, prior to the close of the poll, his right to vote by the production of a receipt duly signed and dated within such period.

(2.) Each parish elector may at any poll for the election of a parish council give one vote, and no more, for each of any number of candidates not exceeding the number to be elected.

(3.) A poll for the election of a parish council shall be taken by ballot.

MANUAL, ss. 36 and 53 (c).

**11. MARRIED WOMEN NOT DISQUALIFIED.**—A woman otherwise possessing the qualification for being registered on any county council . . . register of electors shall not be disqualified by marriage from being registered on a county council . . . or

parish council register, provided that a husband and wife shall not both be registered in respect of the same property.

*S. 11 in part rep. 63 & 64 Vict. c. 49, s. 3.*

MANUAL, ss. 33 and 36.

**12. REGISTRATION OF PARISH ELECTORS.**—With respect to the registration of parish electors, the following provisions shall have effect:—

- (1.) A county council register, exclusive of such portions thereof as relate to police burghs, shall be so framed and printed as that, in addition to the other requirements of the law, the county electors may be distinguished therein according to parish wards, if and where a landward parish, or the landward part of a parish partly landward and partly burghal, is divided into parish wards.
- (2.) A municipal register shall be so framed and printed as that, in addition to the other requirements of the law, the municipal electors may be distinguished therein—
  - (a) According to parishes, if and where a burgh or police burgh comprises two or more parishes or parts of two or more parishes; and
  - (b) According to parish wards (1) if and where a burghal parish or the burghal part of a parish partly landward and partly burghal is divided into parish wards; and (2) if and where a landward parish or a part of any parish is co-extensive with a police burgh or part thereof and is divided into parish wards.
- (3.) Where the boundary of a burgh for municipal purposes extends beyond its boundary as ascertained, fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, the assessor shall, in preparing the municipal register, prefix a distinctive mark to the numbers or names of any municipal electors for the area which is without the police but within the municipal boundary, and the names of any such electors shall not be inserted by the town clerk in the copy of the register provided for by this section, and such electors shall not be entitled to vote as parish electors in respect of their qualification as municipal electors, but may vote as parish electors within a county if duly qualified.

- (4.) Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one parish council register.
- (5.) The assessors or other persons charged with the preparation of the county council and municipal registers respectively shall insert in such registers the names of persons duly qualified as parish electors in more than one parish in respect of each of such qualifications, but shall prefix a distinctive mark indicating where such insertion is for the purposes of the parish council register only.
- (6.) It shall be lawful to object to the insertion or omission of the distinctive marks in this section mentioned, as nearly as may be in the same manner, and subject to the same provisions as to appeal and otherwise, as in the case of any other entry in or omission from such registers.
- (7.) An elector to whose number or name as entered in such registers the distinctive mark, as in sub-section five of this section mentioned, is prefixed, shall not, in respect of such entry, be deemed to be registered as a parliamentary or county or municipal elector, and shall not be entitled to vote in respect of such entry at a parliamentary or county council or municipal election.
- (8.) From time to time, as soon as a county council or municipal register is completed, the county clerk or town clerk, as the case may be, shall furnish to the clerks of the several parish councils of parishes wholly or partly within the county or burgh or police burgh a certified copy of so much of such register as relates to their respective parishes, and such copy or copies, so far as relating to a parish, shall, subject to the provisions of section ten of this Act, constitute the parish council register for the parish.

MANUAL, ss. 34, 36, 37, 38, 51, 52, 53, 55, and 56

ADD. NOTES, s. 32.

**13. PARISH WARDS.**—(1.) The landward part and the burghal part of a parish partly landward and partly burghal shall respectively be parish wards, or shall respectively be divided into two or more parish wards, of the parish.

(2.) A police burgh or any part thereof, so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(3.) A county council electoral division (exclusive of any police burgh or part of a police burgh comprised therein), so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(4.) A county council, on being satisfied after due local inquiry, that within the county, exclusive of any police burgh, different portions of the population of any landward parish, or of any landward part of a parish partly landward and partly burghal, are so situated or have such interests as to make it desirable that they should be separately represented on the parish council, may from time to time resolve and, by order under their seal, determine that such parish, or landward part of a parish, be divided, subject to the provisions of this section, into such and so many parish wards as they may deem expedient, and shall in such order designate each parish ward, and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

(5.) The town council of a burgh or burgh commissioners of a police burgh may, if they think fit, from time to time resolve, and by order under their seal determine that any parish or part of a parish within the burgh or police burgh be divided into such and so many parish wards as they may deem expedient, and shall, in making such division, have due regard to the existing division (if any) of the burgh or police burgh into municipal wards, and shall in such order designate each parish ward and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

(7.) Any county council or town council or burgh commissioners respectively may by order under their seal in terms of the foregoing sub-sections revoke or modify any previous order, or, within the county or burgh or police burgh, cancel or alter any division of a parish into wards in force at the commencement of this Act, but every such division shall, so far as consistent with the provisions of this Act, remain in force until so cancelled or altered.

(8.) A copy of every order made under this section shall be transmitted to the Board within fourteen days after it is made.

(9.) In a parish divided into parish wards, the parish councillors for each parish ward shall be separately elected.

*S. 13 in part rep. 63 & 64 Vict. c. 49, s. 3.*

**21. PAROCHIAL BOARDS TO CEASE.**—On and after the fifteenth day of May in the year one thousand eight hundred and ninety-five, all enactments regulating the constitution and election of parochial boards shall be repealed, and the parochial board of any parish shall continue to hold office only until the said day, and no longer; and on and after such day, every reference in any Act of Parliament, scheme, deed or instrument to a parochial board constituted under the law in force at the passing of this Act, shall be read and construed as referring to a parish council constituted under this Act.

**22. PARISH COUNCILS TO TAKE THE PLACE OF PAROCHIAL BOARDS.**—A parish council shall, subject to the provisions of this Act, come in place of a parochial board and shall be deemed to be a continuance thereof, and a parish council shall have and may exercise all the powers and duties, and shall be subject to all the liabilities of a parochial board, and all the provisions of any Act of Parliament in force at the passing of this Act relating to or dealing with the powers and duties of parochial boards, and the appointment, powers, and duties of their officers, in so far as not inconsistent with this Act, shall subsist and have effect.

**45. VALUATION ROLL TO SHOW SPECIAL DISTRICTS.**—(1.) The assessor of a county in making up the valuation roll of the county shall distinguish in the valuation roll lands and heritages situated within the boundaries of each police burgh, each police district formed under section fifty-eight of the Police Act, 1857, each special water supply and special drainage district, each special district formed under section forty-four of this Act, [each special pier and harbour district formed under the Orkney and Zetland Small Piers and Harbours Act] and any part of a parish for which a landward committee is constituted in terms of this Act.

(2.) The provisions of section five of the Valuation of Lands (Scotland) Amendment Act, 1867, as extended by the Valuation of Lands (Scotland) Amendment Act, 1887, with regard to separate valuations of portions of railways, waterworks, gasworks, and other undertakings included within the limits of burghs, towns, or populous places, shall extend to counties outwith the boundaries of police burghs in like manner as if they were herein re-enacted with the substitution of the expression “county clerk” for “town clerk, or clerk of the commissioners, or trustees of police,” and of “police district formed under section fifty-eight of the Police Act, 1857, special water supply district, special drainage district, special district formed under section forty-four of the Local Government (Scotland) Act, 1894, and any part of a parish for which a landward committee is constituted in terms of the said Act,” for burghs, towns, and populous places.

<sup>1</sup> *Words inserted by 59 & 60 Vict. c. 32, s. 4.*

**54. DEFINITIONS.**—Expressions used in this Act have the same meaning, if not inconsistent with the context, as expressions used in the principal Act: Provided that, if not inconsistent with the context—

The expression “police burgh” in the Local Government (Scotland) Acts, the Local Taxation (Customs and Excise) Act, 1890, the Roads and Streets in Police Burghs (Scotland) Act, 1891, and the Education and Local Taxation Account (Scotland) Act, 1892, has the meaning assigned to it in the Burgh Police (Scotland) Act, 1892.



The expression "municipal register" includes the register of voters for the election in a police burgh of burgh commissioners :

The expressions "municipal election," "municipal electors," and "municipal wards" include the election of burgh commissioners in a police burgh, the voters at, and the wards constituted for, such election respectively :

The expression "town clerk" includes the clerk to the burgh commissioners of a police burgh :

The expression "secretary" includes assistant secretary :

The expression "parish" means a parish quoad civilia which is at the passing of this Act or may hereafter be constituted a separate parish for the purposes of settlement and relief of the poor, and includes a combination of parishes within the meaning of section sixteen of the Poor Law (Scotland) Act, 1845 :

The expression "burghal parish" means a parish which is wholly comprised within the boundaries of a burgh, and the expression "landward parish" means a parish no part of which is comprised within the boundaries of a burgh :

The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes, under the provisions contained in any general or local Act of Parliament, or, when no police assessment is levied, as the same are or may be ascertained, fixed, or determined for municipal purposes :

The expression "burghal part of a parish" means any part of a parish comprised within the boundaries of a burgh, and the expression "landward part of a parish" means any part of a parish not comprised within the boundaries of a burgh :

The expression "burgh" means any royal or parliamentary burgh, and shall include the burgh of Coatbridge :

MANUAL, ss. 33 (*b*), 34 (*a*), 37 (*g*), and 38 (*f*).

ADD. NOTES, ss. 34, 37, and 38.



58 & 59 VICTORIA.

CHAPTER XLI.

THE LANDS VALUATION (SCOTLAND) AMENDMENT ACT, 1895.  
(Sect. 1.)

AN ACT to amend the Valuation of Lands (Scotland) Acts.  
[6th July 1895.]

1. SHORT TITLE AND EXTENT OF ACT.—This Act may be cited as the Lands Valuation (Scotland) Amendment Act, 1895, and shall apply to Scotland only.

2. CONSTRUCTION OF ACT.—This Act shall be read and construed as one with the Valuation Acts.

3. INTERPRETATION.—In this Act the expression “Valuation Acts” shall mean and include the Lands Valuation (Scotland) Act, 1854 (herein-after referred to as the Valuation Act, 1854), and any Acts amending the same.

4. AMENDMENT OF SECTION 6 OF VALUATION ACT, 1854, IN CASES OF ERECTIONS AND STRUCTURAL IMPROVEMENTS.—Section six of the Valuation Act, 1854, shall be read and construed as if the following proviso were inserted after the words “as compared with the amount of such valuation,” that is to say :—

“Provided also, that where any lessee of any such lands and heritages, holding under a lease or agreement, the stipulated duration of which is twenty-one years or under from the date of the entry under the same, and in the case of minerals, thirty-one years or under from the date of such entry, has made or acquired erections or structural improvements on the subjects let, and where the actual yearly value of such erections or structural improvements cannot, under the provision of section six of this Act, be entered in the valuation roll, such erections or structural improvements, shall be deemed to be lands and heritages within the meaning of this Act, and such lessee shall be deemed to be proprietor thereof for the purposes of this Act, and the assessor shall ascertain the yearly value of such erections or structural improvements as a separate subject, by taking the amount of

rent, if any, in addition to the rent stipulated to be paid under such lease or agreement at which, one year with another, the subjects let, and such erections or structural improvements might together, in their actual state, be reasonably expected to let from year to year, in consequence of such erections or structural improvements having been made, and shall make a separate entry thereof in the valuation roll, setting forth all the particulars relating thereto as herein-before provided with respect to other lands and heritages.

But this proviso shall not apply—

- (1.) To any erections or structural improvements made or acquired for agricultural purposes by the lessee of subjects wholly or mainly agricultural; nor
- (2.) To any erections or structural improvements made or acquired, and used exclusively for the purpose of working or cleaning minerals let under such lease or agreement as aforesaid, in respect of which minerals rent or lordship is stipulated to be paid; nor
- (3.) To coke ovens or other structures in which coal or other minerals are treated, where the rent or lordship stipulated in such lease or agreement as aforesaid to be paid in respect of such coal or other minerals is, by the terms of such lease or agreement, calculated upon the coke or other minerals as treated in such ovens or other structures.

ADD. NOTES, s. 8.

63 & 64 VICTORIA.

CHAPTER XLIX.

THE TOWN COUNCILS (SCOTLAND) ACT, 1900. (Sect. 1.)

AN ACT to consolidate and amend the Law relating to the Election and Proceedings of Town Councils in Scotland.

[8th August 1900.]

4. DEFINITIONS.—The following words and expressions in this Act shall have the meanings assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say:—

- (2.) “Assessor” shall mean the assessor acting under the Registration Acts:
- (3.) “Burgh” shall include royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, police burgh, and any other burgh within the meaning of the Burgh Police (Scotland) Act, 1892, to which that Act applied from its commencement:
- (4.) “Burgh rate” shall mean any rate or assessment imposed by the town council, but shall not include private improvement expenses:
- (7.) “Electors” shall mean the persons to whom the right of electing town councillors belongs:
- (10.) “Municipal area” shall mean the area within the municipal boundary:
- (11.) “Municipal boundary” (a) in the case of a royal burgh, parliamentary burgh, or burgh incorporated by Act of Parliament, shall mean the existing boundary for the purpose of voting for town councillors; (b) in the case of any other burgh, shall mean the boundary of the burgh as fixed under the provisions of the Burgh Police (Scotland) Act, 1892, or of any Act thereby repealed; and (c) in all cases shall include any extension of such boundary, and be subject to any contraction thereof effected under any Act:
- (12.) “Municipal register” shall mean the register of persons entitled to vote in the election of town councillors:

- (13.) "Police burgh" shall have the meaning assigned to it in the Burgh Police (Scotland) Act, 1892 :
- (15.) "Registration Acts" shall have the same meaning as in section eight of the Representation of the People Act, 1884 :
- (16.) "Registration court" shall mean and include the registration court and the court of appeal under the Registration Acts :
- (18.) "Supplementary list" shall mean the list mentioned in section twenty-seven.

MANUAL, s. 32 (b) and (i).

**20. WARD BOUNDARIES TO HAVE EFFECT FOR PARLIAMENTARY PURPOSES.**—Any division into wards or alteration of the boundaries of wards under the provisions of this Act shall have effect for parliamentary as well as municipal purposes, provided that such division or alteration shall not affect the boundaries of any division of the burgh for the purpose of returning a member to serve for such division in Parliament.

MANUAL, s. 38.

**22. POLLING DISTRICTS.**—The town council may by resolution divide the burgh, or any ward, into two or more polling districts, and from time to time rescind such resolution or alter the number or boundaries of such polling districts, and in carrying out any election the returning officer shall appoint at least one polling place in each polling district.

MANUAL, s. 38.

**23. QUALIFICATION OF ELECTORS.**—The electors shall consist of—

- (1.) All person who are entitled in respect of premises within the municipal boundary to vote in the election of a member of Parliament :
- (2.) All persons who would have been entitled in respect of premises within the municipal boundary to vote in the election of a member of Parliament, but for their removal from one part of the municipal area to another or their residing more than seven miles beyond some part of the municipal boundary :

(3.) All peers<sup>1</sup> and women who, in respect of the ownership or occupancy of premises within the municipal boundary, possess the qualifications entitling male commoners to vote in the election of a member of Parliament; provided that a wife shall not be registered or entitled to vote in respect of any premises in respect of which her husband is registered. Provided that no person shall be entitled to exercise any of the rights of an elector—

- (1.) Unless his name appears on the municipal register;
- (2.) If any disqualifying mark applicable to the municipal franchise appears against his name in the municipal register;
- (3.) If and so long as he is subject to any disability<sup>1</sup> under the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, or any other Act for the time being in force relating to a parliamentary election or an election to any corporate office.

<sup>1</sup> Added to by 3 Edw. VII. c. 34, s. 4.

MANUAL, ss. 32 and 36.

**24. REGISTER IN BURGHS RETURNING MEMBERS TO PARLIAMENT.**—In every burgh returning or contributing to return a member or members to Parliament, where the municipal and parliamentary boundaries are the same, or the municipal boundary includes any area beyond the parliamentary boundary, the municipal register shall consist of—

- (1.) The register of voters for parliamentary purposes;
- (2.) The supplementary list.

MANUAL, ss. 32 (*b*) and 51. ADD. NOTES, s. 32.

**25. REGISTER IN BURGHS WHERE PARLIAMENTARY BOUNDARY EXTENDS BEYOND MUNICIPAL BOUNDARY.**—In every burgh returning or contributing to return a member or members to Parliament, of which the parliamentary boundary includes any area beyond the municipal boundary, the assessor shall place a distinctive mark on the list of voters for parliamentary purposes opposite the names of all persons appearing thereon only in respect of premises within such area, and the municipal register shall consist of—

- (1.) The register of voters for parliamentary purposes, subject to the deduction therefrom of all names so marked;
- (2.) The supplementary list.

MANUAL, ss. 32 (*b*), 38, and 51. ADD. NOTES, s. 32.

**26. REGISTER IN BURGHs NOT RETURNING MEMBERS TO PARLIAMENT.**—In every burgh not returning or contributing to return a member or members to Parliament, the assessor for the county or counties or districts thereof within which the burgh is situated shall, on or before the fifteenth day of September in each year, prepare an excerpt from the list of voters for parliamentary purposes for such county, containing the names of all persons appearing thereon in respect of premises within the municipal boundary, and the municipal register shall consist of—

- (1.) The said excerpt;
- (2.) The supplementary list.

MANUAL, ss. 32 and 51.

**27. SUPPLEMENTARY LIST.**—On or before the fifteenth day of September in each year the assessor for any burgh, and for any portion of a county included within the municipal boundary of any burgh, shall prepare a separate list of the persons referred to in sub-sections two and three of section twenty-three, and of all persons appearing in the parliamentary list of voters in respect of premises in any area beyond the parliamentary boundary, but within the municipal boundary of any burgh, who would have been entitled to vote in the election of a member of Parliament if such area had been within the parliamentary boundary of the burgh, which list shall form the “supplementary list.”

MANUAL, ss. 32 and 51. ADD. NOTES, s. 32.

**28. DISQUALIFICATION FROM FAILURE TO PAY BURGH RATES.**—As affecting the right to be a burgh elector, failure to make payment of any burgh rate, or exemption from payment of any burgh rate, shall be a disqualification in the same manner as and in addition to the disqualification arising from exemption from, or failure to make payment of, poor rate in the case of a parliamentary elector.

For the purpose of the registration of burgh electors, the provisions of the Registration Acts in regard to demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the burgh rates as well as to the poor rates, and as if the collector of the burgh rates were therein named as well as and along with the collector of poor rate.

The assessor shall prefix a distinctive mark to the number or name of any parliamentary elector as appearing in the parliamentary register or list, or of any elector in the supplementary list, or in the excerpt referred to in section twenty-six,



if such elector shall seem to him to be disqualified in respect of exemption from, or failure to make payment of, any burgh rate ; and the forms of registers and lists, and of notices of claim and objection, and the provisions in regard to numbering on the register under the Registration Acts shall, if necessary, be varied so as to make them applicable to the registration of burgh electors as well as to the registration of parliamentary or other electors.

MANUAL, ss. 36, 37 (*e*), 38, 51, and 55.

**29. PROCEDURE IN REGISTRATION ACTS TO APPLY TO EXCERPT, &C.**—The same procedure shall be followed with reference to all the distinctive marks referred to in this Act, the excerpt referred to in section twenty-six, and the supplementary list, as is by the Registration Acts appointed to be followed with regard to the preparation, printing, publication, appeal, revision, completion, authentication, and otherwise, of the register of parliamentary voters for burghs and counties respectively.

MANUAL, ss. 55 and 56.

**30. REGISTER IN BURGHS WITHIN PARLIAMENTARY BOUNDARIES OF ANOTHER BURG.**—Where the municipal area of any burgh not returning or contributing to return a member or members to Parliament is situated in whole or in part within the parliamentary boundaries of any other burgh, the duties of the assessor under this Act shall be performed, as regards the area or part so situated, by the assessor for such other burgh, and as regards any remaining portion of such area by the assessor for the county or counties or districts thereof within which it is situated.

**31. ASSESSORS TO OBSERVE PROVISIONS OF 57 & 58 VICT. C. 58.**—Notwithstanding anything herein contained, the assessors or other persons charged with the preparation of the municipal register, or any part thereof, shall observe the provisions of the Local Government (Scotland) Act, 1894, and Acts explaining or amending the same, with reference to the form and requisites of a municipal register, provided that the insertion in any municipal register of the name of any person qualified as a parish elector only shall not operate to constitute him a municipal elector, and the name of such person shall be indicated by a distinctive mark.

MANUAL, s. 51.

**32. REGISTER TO BE EVIDENCE, AND TERM IN FORCE.**—The municipal register shall remain in force from the thirty-first day of October in each year until the first day of November in the following year.

## 2 EDWARD VII.

### CHAPTER XXV.

#### LANDS VALUATION (SCOTLAND) AMENDMENT ACT, 1902. (Sect. 2.)

AN ACT to amend the Lands Valuation (Scotland) Acts in regard to the Law relating to the Rating of Machinery.  
[8th August 1902.]

1. PROVISION AS TO WHAT IS "MACHINERY FIXED OR ATTACHED."—Section forty-two of the Valuation Act, 1854, shall be read and construed as if the following proviso were inserted after the words "and all machinery fixed or attached to any lands or heritages," that is to say: Provided that in any building occupied for any trade, business, or manufacturing process the expression "machinery fixed or attached" shall be construed as including all machinery, machines, or plant in or on the lands or heritages for producing or transmitting first, motive power, or for heating or lighting such building; but save as herein provided shall not include machines, tools, or appliances which are only so fixed that they can be removed from their place without necessitating the removal of any part of the building.

MANUAL, s. 11 (*d*).

### 3 EDWARD VII.

#### CHAPTER XXXIV.

TOWN COUNCILS (SCOTLAND) ACT, 1903. (Sect. 1.)

AN ACT to amend the Town Councils (Scotland) Act, 1900.  
[14th August 1903.]

**2. ENTRY OF CERTAIN ELECTORS IN SUPPLEMENTARY LIST.**  
—All persons who, in respect of the ownership or occupancy of premises within the municipal boundary of any burgh not returning or contributing to return a member or members to Parliament, possess the necessary qualification for voting in the election of a member of Parliament, but whose names are entered in the parliamentary register of the county in respect only of premises outwith the burgh, shall, unless otherwise disqualified, be electors of the burgh for the purposes of the principal Act, and the names of all such persons shall be entered in the supplementary list.

MANUAL, s. 32.

. . . . .

**4. SHERIFFS, &C., TO BE ELECTORS.**—Section twenty-three of the principal Act shall be amended by the insertion of the words “sheriff-substitutes, sheriff-clerks, sheriff-clerk deputes,” after the word “peers,” and by the insertion of the words (“otherwise than from rank, office or sex”) after the word “disability.”

MANUAL, ss. 32 and 36.

## 7 EDWARD VII.

### CHAPTER LI.

#### SHERIFF COURTS (SCOTLAND) ACT, 1907. (Sect. 1.)

AN ACT to regulate and amend the Laws and Practice relating to the Civil Procedure in Sheriff Courts in Scotland and for other Purposes. [28th August 1907.]

**21. DISQUALIFICATION AND DISABILITIES OF SHERIFFS AND SALARIED SHERIFF-SUBSTITUTES.**— . . . No sheriff or salaried sheriff-substitute shall be capable of being elected or of sitting or voting as a member of the House of Commons, nor shall he be entitled to vote at any election for any member of Parliament held within his sheriffdom ; nor shall he act directly or indirectly as an agent for any candidate in any matter connected with, or preparatory to, any election for the county or burgh respectively in which he shall be sheriff or salaried sheriff-substitute.

ADD. NOTES, s. 30.

## A BILL

[AS AMENDED BY THE STANDING COMMITTEE ON  
SCOTTISH BILLS]

TO

AMEND THE LAWS RELATING TO EDUCATION IN  
SCOTLAND, AND FOR OTHER PURPOSES CON-  
NECTED THEREWITH.

§ EDWARD VII.

1. SHORT TITLE AND CONSTRUCTION.—This Act may be cited as the Education (Scotland) Act, 1908, and this Act and the Education (Scotland) Acts, 1872 to 1893, the Education (Scotland) Act, 1897, the Education (Scotland) Act, 1901, and the Education of Defective Children (Scotland) Act, 1906, shall, so far as consistent with the tenor thereof, be construed together as one Act, and may be cited as the Education (Scotland) Acts, 1872 to 1908.

2. EXTENT OF ACT.—This Act shall extend to Scotland only.

25. SCHOOL BOARD ELECTIONS.—(1.) The electors for the election of members of a school board shall consist of all parish electors within the meaning of the Local Government (Scotland) Act, 1894, having a qualification within the school board district: Provided that notwithstanding anything contained in the Education (Scotland) Act, 1872, the first election of school boards after the commencement of this Act shall take place in the year one thousand nine hundred and nine upon such register of parish electors as shall be made up under regulations prescribed by the Secretary for Scotland, and the next election shall take place in the year one thousand nine hundred and eleven, being the year following the year of a parish council election.

(2.) Section twenty-five of the Education (Scotland) Act, 1878, allowing school boards to have access to the valuation roll, shall be construed as if in addition to the valuation roll the parish council register were specified therein.

(3.) At every election for a school board, every voter may give one vote and no more for each of any number of candidates not exceeding the number of members of the school board to be elected within the school board district or an electoral division thereof, as the case may be.

(4.) On the application of a school board the Department may, for the purposes of the school board election, if they think fit, divide the school board district into two or more electoral divisions, may define the boundaries of such divisions, and may fix the number of members of the school board to be elected within each division.

(5.) The limitation of the number of members of a school board to not more than fifteen members shall no longer have effect.

. . . . .

**33. REPEAL.**—The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column thereof, and all enactments inconsistent with this Act are also hereby repealed.

*The specific repeal, so far as the franchise is concerned, consists of the repeal of paragraphs 2 and 6 of Schedule B of the Education (Scotland) Act, 1872.*

ADD. NOTES, ss. 35, 36, and 54.



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